

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DANIEL E. HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
703-759-3013

JURY TRIAL DEMANDED

Case 1:07-cv-00673-RBW

Plaintiff,

v.

Description: **HEILY V. US D.O.J.**

UNITED STATES DEPARTMENT OF DEFENSE

Serve DR. ROBERT M. GATES  
SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

UNITED STATES DEPARTMENT OF JUSTICE

Serve ATTORNEY GENERAL ALBERTO R. GONZALES  
U.S. DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20530-0001

OFFICE OF MANAGEMENT AND BUDGET

Serve JIM NUSSLE, DIRECTOR  
725 17TH STREET, NW  
WASHINGTON, DC 20503

CLAY JOHNSON III, CHAIRPERSON

PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY.

AND DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET

725 17TH STREET, NW  
WASHINGTON, DC 20503

AND

LEON E. PANETTA, DIRECTOR  
CENTRAL INTELLIGENCE AGENCY  
WASHINGTON DC 20505

Defendants.

*This complaint is to induce the United States Defense Department the United States Justice Department the United States Office of Management and Budget and the Central Intelligence Agency to obey the FOIA and Privacy Act.*

**BILL OF COMPLAINT**  
**REVISION 2**

Comes now the Plaintiff Daniel E. Heily, who brings this action to obtain redress for the defendants to lawfully comply with federal Freedom of Information Act law.

PROCEDURAL HISTORY

The original action was filed on April 13, 2007. On 30 September, 2008, the court determined that the service was defective. On November 17, Revision 1 was filed that replaced the original Bill of Complaint.

Plaintiff agreed to numerous requests for extension to deliver the FOIA data. The last extension expiring in August 2009. Since August 2009,

At the November 6, 2009 Status Conference, Plaintiff was invited to submit a Motion to Amend to revise the Bill of Complaint to include all outstanding FOIA/PA items. This

#### JURISDICTION

1. This Court has original jurisdiction pursuant to 5 U.S.C. § 552 and §552a.
2. Venue is proper in this district pursuant to 5 U.S.C. § 552 and §552a.
3. This court has authority to award the requested damages and costs pursuant to 5 U.S.C 552a; and requested injunctive relief pursuant to 5 U.S.C § 552 and §552a.

#### THE PARTIES

4. Plaintiff Daniel E. Heily is a citizen of the State of Virginia.
5. Defendant Department of Defense is a governmental entity led by the Honorable Dr. Robert M. Gates.
6. Defendant Department of Justice is a governmental entity led by the Honorable Alberto R. Gonzales.
7. Office of Management and Budget (OMB) is a governmental entity led by the Honorable Jim Nussle, Director. Per Executive Order 12805 of May 11, 1992:

a) The The Deputy Director for Management of OMB is the Chairperson of the President's Council on Integrity and Efficiency (PCIE); and

b) The Director of the Office of Management and Budget provides the PCIE with administrative support.

8. Defendant Clay Johnson III is the Chairperson of the President's Council on Integrity and Efficiency. and Deputy Director for Management, Office of Management and Budget. Defendant Johnson is being sued in his official capacity as Chairperson of the PCIE.

9. Leon E. Panetta is the Director of the Central Intelligence Agency and being sued in his official capacity.

#### FACTS

10. Plaintiff sent a FOIA and/or Privacy Act requests to defendants on the following dates:

January 25, 2006	FOIA/PA Request to the Director NGA
January 26, 2006	FOIA/PA Request to the Director NGA

January 30, 2006	FOIA/PA Request to the Director NGA
January 31, 2006	FOIA/PA Request to the Director NGA
February 9, 2006	FOIA/PA Request to the Director NGA
February 12, 2006	FOIA/PA Request to the Director NGA
February 15, 2006	FOIA/PA Request to the Director NGA
February 20, 2006	FOIA/PA Request to the Director NGA
July 24, 2006	FOIA/PA Request to the Director NGA
January 5, 2007	FOIA/PA Request to the Director NGA
January 22, 2007	FOIA/PA Request to the DoD IG
January 22, 2007	FOIA/PA Request to the Director NGA
January 24, 2007	FOIA/PA Request to the Director NGA
January 25, 2007	FOIA/PA Request to the Director NGA
March 2, 2007	FOIA/PA Request to the US DOJ
April 22, 2008	FOIA/PA Request to the Director NGA
April 25, 2008	FOIA/PA Request to the Director NGA
September 16, 2008	FOIA/PA Request to the Director NGA
September 16, 2008	FOIA/PA Request to the DoD IG
September 16, 2008	FOIA/PA Request to the Director PCIE (OMB)
December 26, 2008	FOIA/PA Request to DOJ
April 21, 2009	FOIA/PA Request to the Director CIA
April 22, 2009	FOIA/PA Request to the Director NGA
August 28, 2009	FOIA/PA Request to the Director NGA
November 1, 2009	FOIA/PA Request to the Director NGA

11. Defendants received each the requests enumerated *supra*.
12. The *supra* requests are attached as Exhibit A and included herein by reference.
13. Defendant DoD received the FOIA/PA Request document in Exhibit A dated January 25, 2006 addressed to: Director NGA.
14. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated January 25, 2006.
15. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated January 25, 2006.
16. Defendant DoD received the FOIA/PA Request document in Exhibit A dated January 26, 2006 addressed to: Director NGA.
17. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated January 26, 2006.
18. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated January 26, 2006.
19. Defendant DoD received the FOIA/PA Request document in Exhibit A dated January 30, 2006 addressed to: Director NGA.

20. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated January 30, 2006.
21. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated January 30, 2006.
22. Defendant DoD received the FOIA/PA Request document in Exhibit A dated January 31, 2006 addressed to: Director NGA.
23. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated January 31, 2006.
24. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated January 31, 2006.
25. In a letter dated February 9, 2006, Defendant DoD acknowledged receipt of the January 25, 26 and 30th FOIA/PA Requests.
26. Defendant DoD received the FOIA/PA Request document in Exhibit A dated February 9, 2006 addressed to: Director NGA.
27. Defendant DoD has custody and control of all documents requested in the February 9, 2006. FOIA/PA Request.
28. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated February 9, 2006.
29. Defendant DoD received the FOIA/PA Request document in Exhibit A dated February 12, 2006 addressed to: Director NGA.
30. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated February 12, 2006.
31. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated February 12, 2006.
32. Defendant DoD received the FOIA/PA Request document in Exhibit A dated February 15, 2006 addressed to: Director NGA.
33. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated February 15, 2006.

34. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated February 15, 2006.
35. Defendant DoD received the FOIA/PA Request document in Exhibit A dated February 20, 2006 addressed to: Director NGA.
36. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated February 20, 2006.
37. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated February 20, 2006.
38. Defendant DoD received the FOIA/PA Request document in Exhibit A dated July 24, 2006 addressed to: Director NGA.
39. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated July 24, 2006.
40. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated July 24, 2006.
41. On October 12, 2006 Plaintiff submitted a complaint to DoD IG about lack of FOIA/PA response by the DoD Agency NGA.
42. The DoD Inspector General assigned investigation responsibilities to the NGA IG.
43. The NGA IG closed the complaint in a letter dated December 21, 2006.
44. As of December 21, 2006, the **DoD** Inspector General considers Defendant DoD's response to Plaintiff's FOIA/PA requests to comply with the law.
45. As of December 21, 2006, the **NGA** Inspector General considers Defendant DoD's response to Plaintiff's FOIA/PA requests to comply with the law.
46. Defendant DoD received the FOIA/PA Appeal document dated January 5, 2007 addressed to: Director NGA. This Appeal covered the requests made on January 25, 2006, January 26, 2006, January 30, 2006, February 9, 2006, February 12, 2006, February 15, 2006, February 20, 2006, and July 24, 2006.
47. As of April 14, 2007, Defendant DoD has not responded the FOIA/PA Appeal dated January 5, 2007.
48. NGA FOIA/PA regulations are in Instruction 5750.2, "NGA Instruction for Freedom of Information Act Program," 24 November 2003.

49. DoD FOIA/PA regulations include Department of Defense (DoD) Directive 5400.7, "DoD Freedom of Information Act Program," 29 September 1997, and DoD 5400.7-R, DOD Freedom of Information Act Program, September 4, 1998.
50. Defendant DoD received the FOIA/PA request in Exhibit A dated January 5, 2007 addressed to: Director NGA.
51. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated January 5, 2007.
52. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated January 5, 2007.
53. Defendant DoD received the FOIA/PA Request delivered in the body of an email document in Exhibit A dated January 22, 2007 addressed to: DoD Inspector General.
54. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to DoD Inspector General dated January 22, 2007.
55. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated January 22, 2007.
56. Defendant DoD received the "FOIA/PA Request and Amendment to Prior Requests" document in Exhibit A dated January 22, 2007 addressed to: Director NGA.
57. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated January 22, 2007.
58. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated January 22, 2007.
59. Defendant DoD received the FOIA/PA Request document in Exhibit A dated January 24, 2007 addressed to: DoD IG.
60. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to DoD IG dated January 24, 2007.
61. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated January 24, 2007.

62. Defendant DoD received the FOIA/PA Request document in Exhibit A dated January 25, 2007 addressed to: Director NGA.

63. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated January 25, 2007.

64. As of April 14, 2007, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated January 25, 2007.

65. Defendant DoD received an entreaty to Director NGA that FOIA/PA is being ignored in a document dated January 29, 2007 addressed to: Director NGA.

66. Defendant DOJ received the FOIA/PA Request document in Exhibit A dated March 2, 2007 addressed to: the US DOJ.

67. Defendant DOJ has custody and control of all documents requested in the FOIA/PA Request to the US DOJ dated March 2, 2007.

68. As of April 14, 2007, Defendant DOJ had not delivered all of the documents requested by the FOIA/PA request dated March 2, 2007.

69. Defendant DoD received the Report to Congress provided by the Plaintiff. The cover letter to that report is dated March 22, 2007 addressed to: Senate and House Intelligence Committees with cc to SECDEF and D/NGA.

70. Defendant DoD received the second entreaty to Director NGA that FOIA/PA is being ignored dated March 23, 2007.

71. As of April 14, 2007, Defendant DoD had not responded to the second entreaty that FOIA/PA requests are being ignored.

#### DEFENDANT DoD's MOTIVE TO AVOID PROVIDING REQUESTED DATA

72. Data requested in the January 25, 2006 and February 9, 2006 FOIA/PA requests would either prove or disprove that the Letter of Reprimand issued on December 21, 2005 did not comport with the applicable policy, including NGA Instruction 1455.1 *et seq.*

73. Data requested in the January 25, 2006 and February 9, 2006 FOIA/PA requests would either prove or disprove that the Letter of Reprimand issued on December 21, 2005 was retaliation.

74. Data requested in the January 25, 2006 and February 9, 2006 FOIA/PA requests would either prove or disprove that the Letter of Reprimand issued on December 21, 2005 was part of a conspiracy.

75. Data requested in the January 26, 2006 FOIA/PA request would demonstrate that the Final Decision Concerning the Formal Appeal of the FY 05 Performance Appraisal and Promotion did not comport with the applicable NGA policy.

76. Data requested in the January 26, 2006 FOIA/PA request would either prove or disprove that the Final Decision Concerning the Formal Appeal of the FY 05 Performance Appraisal and Promotion was part of a conspiracy to retaliate against the Plaintiff.

77. Data requested in the January 26, 2006 FOIA/PA request would either prove or disprove that the Final Decision Concerning the Formal Appeal of the FY 05 Performance Appraisal and Promotion was abuse of process.

78. Data requested in the January 30, 2006 FOIA/PA request will demonstrate that the performance evaluation process is totally subjective.

79. Data requested in the January 25, 2006 FOIA/PA request would either prove or disprove that the Letter of Reprimand issued on December 21, 2005 did not comport with the applicable policy, including NGA Instruction 1455.1 et seq.

80. Data requested in the January 25, 2006 FOIA/PA request would either prove or disprove that the Letter of Reprimand issued on December 21, 2005 was retaliation.

81. Defendant DoD employee Larry Stephens left the following voice mail on December 12, 2005 at 7:19am: actual voice mail may be heard at:

<http://dan.heily.com/NGA/051212%20Voice%20Mail%20from%20Larry%20Stephens.wav>

*"Hey Dan, this is Larry its Monday Morning. I do want to let you know I wanted to try to touch base with you today. Ah this is this is this is ah is ah administrative, it relates to your appeal. You wouldn't know this, but this coming Friday, and over the weekend, I have gone through and pulled together a chronology of the issues that have occurred actually since January ah of this year, up to the end of the Fiscal year. And I have 31 pages of issues and comments right now, 59 emails and I'm done. And I think that I can clearly show ah that you know, based on a promotion profile from a four to five, that you know, not only do you not meet it, ah but that you know I did give you credit for your GSMA work. That you may not have gotten a satisfactory, if I would if I have had just judged you on what I am going to show. I just don't think that this is beneficial for any of us to go through this. I again, would much rather work with you and find a way forward that is positive then start reveling dirty laundry. Because I can show tasks that you got that you either did not complete, or not complete on time, guidance you were given that you did not follow. Ah directions that you were provided consistently that you ignored. Ah so, And, I just would would rather not do that. I would rather again, find a way to address the issues and move ahead. Ah, and I would rather address the issues and move ahead. Ah because I can show from mid-point on when these were brought up, until until now if I need to that some of the concerns that existed we've seen results. Which is the reason was in mid-point. And is the reason that I've already mentioned to you we have*



*to have a talk you know soon about what you are doing because some of it is continuing. But you know, it is your call. I would ask you to seriously reconsider because I'm you know all I have do is to show is show that you didn't deserve anything above satisfactory. And I can show that and I am very confident of that. So ah But that is your call. But I would ask you to rethink it again Again, I'm I'm only about half way through all my notes and all my emails to do this. So when it is done, I going to have a very long chronology with issues from from January on until now if I have to. So, but ah, and I just would I wouldn't want to do this to anybody, So I don't really want to do this to you. But you know if if you want to continue, I will have no choice. Ah but I would at least like to at least touch base with you today about this. Thank you much. Bye"*

82. In the voice mail *supra* Defendant DoD is asking Plaintiff to "reconsider" his lawful action regarding an appeal of his FY 05 Performance Appraisal.

83. Providing the data requested in Plaintiff's FOIA would document the retaliation threatened in the December 12, 2005 voice mail *supra*.

84. Defendant DoD's combat support agency, National Geospatial-Intelligence Agency has no internal policy regarding the use of the For Official Use Only (FOUO) designation.

85. Defendant DoD's combat support agency, National Geospatial-Intelligence Agency uses the FOUO designation in violation of Department of Defense (DoD) Freedom of Information Act Program Regulation, DoD 5400.7-R.

86. Defendants recognize that all emails are public records.

87. Defendants are bound by U.S. Code 44 U.S.C. § 3105(1) which states: "*that records in the custody of the agency are not to be alienated or destroyed except in accordance with sections 3301-3314 of this title, and"*

88. Direct Hire actions made by Defendant DoD's agency NGA are governed by NGA Instruction NI 4502 *et seq.*

89. NGA Instruction NI 4502 *et seq* restricts direct hiring actions to "*A qualified applicant with an unusual or one-of-a-kind job skill ... direct-to-public hire is used only to meet a mission-critical need.*"

90. The February 15, 2006 *inter alia* requested information regarding individuals hired under the direct-to-public authority.

91. Douglas Goolsby was hired by NGA under the direct-to-public authority.

92. Douglas Goolsby was a personal friend of LaurieJo Litton nee Kelty.

93. Douglas Goosby did not have any unique job skills that applied to NGA.

94. The hiring of Douglas Goolsby did not fill a mission-critical need.

95. Evangelo Karagiorgis was hired by NGA under the direct-to-public authority.

96. Evangelo Karagiorgis was a personal friend of LaurieJo Litton nee Kelty.
97. Evangelo Karagiorgis did not have any unique job skills that applied to NGA.
98. The hiring of Evangelo Karagiorgis did not fill a mission-critical need.
99. U.S. Code 10 U.S.C. , Defense Acquisition Workforce Acquisition (DAWIA) Corps has provisions for exempting "...who, on October 1, 1991, has at least 10 years of experience in acquisition positions or in comparable positions in other government agencies or the private sector."
100. Per regulation, the DAWIA exemption is associated with each position that an individual holds.
101. A February 20, 2006 FOIA/PA requested *"materials submitted by David Scopp for his most recent two DAWIA exemptions that he has requested."*
102. Dave Scopp has been in several positions requiring DAWIA certification.
103. Dave Scopp applied for and has received one or more exemptions based on 10 years of experience in acquisition positions prior to October 1, 1991.
104. In fact, Dave Scopp does not qualify because he does not have 10 years acquisition experience prior to October 1, 1991.
105. Defendant DoD did not provide the data requested on February 20, 2006 regarding Dave Scopp because the Defendant DoD wants to conceal malfeasance on the part of Dave Scopp.
106. On January 5, 2007, Plaintiff requested transcripts (or copy of tape recordings) of all individuals interviewed as a result of Plaintiff's January 24, 2006 IG Complaint.
107. The transcripts requested *supra* are final documents.
108. Defendant DoD intends no further action on Plaintiff's January 2006 IG Complaint.
109. Defendant DoD did not provide the transcripts because it would show that the Defendant DoD's IG (both at the DoD level and the NGA level) have become co-conspirators in the malfeasance/misfeasance on the part of Defendant DoD.
110. On January 22, 2007, Plaintiff requested the Defendant DoD IG Complaint File from the DoD IG for the complaint that was filed on January 24, 2006.
111. The Complaint file mentioned *supra* is a final document.

112. Defendant DoD did not provide the IG Complaint File because it would show that the Defendant DoD's IG (both at the DoD level and the NGA level) have become co-conspirators in the malfeasance/misfeasance on the part of Defendant DoD.

113. On January 24, 2007, Plaintiff requested the Defendant DoD IG Complaint File from the NGA IG for the complaint that was filed on January 24, 2006.

114. The Complaint file mentioned *supra* is a final document since over fifteen months has passed since it was opened.

115. Defendant DoD did not provide the complete IG Complaint File because it would show that the Defendant DoD's IG (both at the DoD level and the NGA level) have become co-conspirators in the malfeasance/misfeasance on the part of Defendant DoD.

116. FOIA request to Defendant DOJ was sent certified on March 2, 2007(7005 1160 0002 7262 2933). Defendant DOJ signed the delivery receipt on March 14, 2007.

117. Defendant DOJ has missed the statutory deadline for responding to Plaintiff's FOIA.

118. Defendant DoD received the FOIA/PA Request document in Exhibit A dated April 22, 2008 addressed to: Director NGA.

119. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated April 22, 2008.

120. As of November 14, 2008, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated April 22, 2008.

121. Defendant DoD received the FOIA/PA Request document in Exhibit A dated April 25, 2008 addressed to: Director NGA.

122. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated April 25, 2008.

123. As of November 14, 2008, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request dated April 25, 2008.

124. Defendant DoD received the FOIA/PA Request document in Exhibit A dated September 16, 2008 addressed to: Director NGA.

125. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to Director NGA dated September 16, 2008.

126. As of November 14, 2008, Defendant DoD had not delivered all of the documents requested by the FOIA/PA request to Director NGA dated September 16, 2008.

127. Defendant DoD received the FOIA/PA Request document in Exhibit A dated September 16, 2008 addressed to: DoD Inspector General.

128. Defendant DoD has custody and control of all documents requested in the FOIA/PA Request to DoD Inspector General dated September 16, 2008.

129. On October 20, 2008 Defendant DoD delivered a subset of the documents requested by the FOIA/PA request dated September 16, 2008. The delivery did not contain any communication with the PCIE.

130. Defendant OMB received the FOIA/PA Request document in Exhibit A dated September 16, 2008 addressed to: Director OMB/PCIE.

131. Defendant OMB/PCIE has custody and control of all documents requested in the FOIA/PA Request to Director OMB/PCIE dated September 16, 2008.

132. As of November 14, 2008, Defendant OMB/PCIE had not delivered all of the documents requested by the FOIA/PA request dated September 16, 2008.

133. Defendant CIA received the FOIA/PA Request document in Exhibit A dated April 21, 2009 addressed to: Director CIA.

134. Defendant CIA has custody and control of all documents requested in the FOIA/PA Request to Director CIA April 21, 2009.

135. As of December 4, 2009, Defendant CIA had not delivered all of the documents requested by the FOIA/PA request dated April 21, 2009.

136. Defendant NGA received the FOIA/PA Request document in Exhibit A dated April 22, 2009 addressed to: Director NGA.

137. Defendant NGA has custody and control of all documents requested in the FOIA/PA Request to Director NGA April 22, 2009.

138. As of December 4, 2009, Defendant NGA had not delivered all of the documents requested by the FOIA/PA request dated April 22, 2009.

139. Defendant NGA received the FOIA/PA Request document in Exhibit A dated August 28, 2009 addressed to: Director NGA.

140. Defendant NGA has custody and control of all documents requested in the FOIA/PA Request to Director NGA August 28, 2009.

141. As of December 4, 2009, Defendant NGA had not delivered all of the documents requested by the FOIA/PA request dated August 28, 2009.

142. Defendant NGA received the FOIA/PA Request document in Exhibit A dated November 1, 2009 addressed to: Director NGA.

143. Defendant NGA has custody and control of all documents requested in the FOIA/PA Request to Director NGA November 1, 2009.

144. As of December 4, 2009, Defendant NGA had not delivered all of the documents requested by the FOIA/PA request dated November 1, 2009.

145. By statute, Plaintiff's administrative appeals have been exhausted, and court action is permitted.

146. Defendant DOJ received the attached FOIA dated December 26, 2008. And has not provided the data requested therein. That request is included in Exhibit A.

#### RELIEF REQUESTED

147. Whereas by 5 USC § 552, plaintiff's administrative appeals have been exhausted, plaintiff prays the court grant the following relief:

- a. That the defendants be ordered to lawfully respond to each of the FOIA and Privacy Act requests contained in the documents in Attachment A .
- b. That the Court determine that the data is being used for public purposes (i.e. Report to Congress identified *supra*) and concomitantly the fee should be waived.
- c. A judicial determination that the Defendants DoD, DoD, DOJ and OMB acted "arbitrarily or capriciously with respect to the withholding public records, and failure to follow U.S. Code 5 U.S.C. § 552 and § 552a.
- d. That a determination that Defendants DoD, DoD, DOJ and OMB acted arbitrarily or capriciously with respect to withholding data from the Plaintiff.

e. Refer the Defendants DoD, DOJ and OMB to the Special Counsel in accordance with 5 USC 552

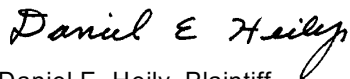
(F) which states:

*Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.*

f. The costs of the suit and attorneys' fees; nominal damages, and such other and further relief as the Court may deem proper.

JURY TRIAL DEMANDED

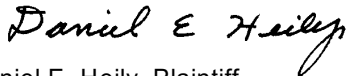
Respectfully Submitted this Fourth Day of December 2009.



Daniel E. Heily, Plaintiff  
9412 Brian Jac Court  
Great Falls, Virginia 22066-2009  
703-759-3013  
dan@heily.com

**Certificate of Service**

I hereby certify that the Bill of Complaint Revision 2 was uploaded to the Electronic Case Filing Software on December 4, 2009.



Daniel E. Heily, Plaintiff

# Exhibit A

Date	To	Document
January 25, 2006	Director NGA	FOIA/PA Request
January 26, 2006	Director NGA	FOIA/PA Request
January 30, 2006	Director NGA	FOIA/PA Request
January 31, 2006	Director NGA	FOIA/PA Request
February 9, 2006	Director NGA	FOIA/PA Request
February 12, 2006	Director NGA	FOIA/PA Request
February 15, 2006	Director NGA	FOIA/PA Request
February 20, 2006	Director NGA	FOIA/PA Request
July 24, 2006	Director NGA	FOIA/PA Request
January 5, 2007	Director NGA	FOIA/PA Appeal
January 22, 2007	DoD IG	FOIA/PA Request delivered in the body of an email
January 22, 2007	Director NGA	FOIA/PA Request
January 24, 2007	Director NGA	FOIA/PA Request
January 25, 2007	Director NGA	FOIA/PA Request
March 2, 2007	US DOJ	FOIA/PA Request
April 22, 2008	Director NGA	FOIA/PA Request
April 25, 2008	Director NGA	FOIA/PA Request
September 16, 2008	Director NGA	FOIA/PA Request
September 16, 2008	DoD IG	FOIA/PA Request
September 16, 2008	Director OMB	FOIA/PA Request
December 26, 2008	US DOJ	FOIA/PA Request
April 21, 2009	Director CIA	FOIA/PA Request
April 22, 2009	Director NGA	FOIA/PA Request
August 28, 2009	Director NGA	FOIA/PA Request
November 1, 2009	Director NGA	FOIA/PA Request

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
JANUARY 25, 2006

Lt Gen James R. Clapper Jr., USAF (Ret.)  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests and  
Privacy Act Requests

Honorable Sir;

Under the Freedom of Information Act and the Privacy Act, I request the following documents:

#	Scope	Request
1	On December 21, 2005, a Letter of Reprimand was issued to me under NGA Instruction 1455.1 (it was issued under R2 even though R3 was more current)  Paragraph (7)(e) states <i>“Before issuing a letter of reprimand, the supervisor ensures that the action is fully justified by conducting a thorough investigation to determine and <b>document</b> relevant facts.”</i> (emphasis added)	All records that document “relevant facts” that were created to satisfy NI 1455.1R2 or NI 1455.1R3.
2	Regarding the creation, coordination, notification, delivery or consultation of the December 21, 2005, of Letter of Reprimand that was issued to me.	All emails and other public records that document the creation, coordination, notification, delivery or consultation of the December 21, 2005 Letter of Reprimand.
3	December 21 Letter of Reprimand issued to me.	All emails and other public records that reference the Reprimand after it was delivered to me on December 21, 2005

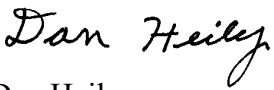


In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

  
Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
JANUARY 26, 2006

Lt Gen James R. Clapper Jr., USAF (Ret.)  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests and  
Privacy Act Requests

Honorable Sir;

Under the Freedom of Information Act and the Privacy Act, I request the following public records including emails regarding a memo from Edward Watts, Jr to Winston Beauchamp dated January 13, 2006 with the subject: Final Decision Concerning the Formal Appeal of the FY 05 Performance Appraisal and Promotion Recommendation of Mr. Dan Heily.

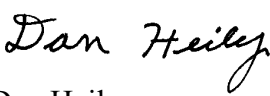
1. All emails and other public records sent to Mr. Watts that tasked Mr. Watts to create the memo.
2. All emails and other public records provided to Mr. Watts in support of the creation of the memo at issue.
3. All emails and other public records sent by Mr. Watts in support of his creation of the memo at issue.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

  
Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
JANUARY 30, 2006

Lt Gen James R. Clapper Jr., USAF (Ret.)  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests and  
Privacy Act Requests

Honorable Sir;

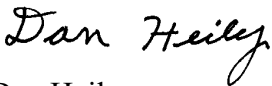
Under the Freedom of Information Act and the Privacy Act, I request the documents described on the next page.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

  
Dan Heily

### January 30, 2006 Information Requests

1. The TPC Spreadsheets described on page 7 of NGA Instruction 1416.2R7 that include my name for the FY03 evaluation cycle.
2. The TPC Spreadsheets described on page 7 of NGA Instruction 1416.2R7 that include my name for the FY04 evaluation cycle.
3. The TPC Spreadsheets described on page 7 of NGA Instruction 1416.2R7 that include my name for the FY05 evaluation cycle.
4. Every "Rater Profile Report" described in the Reviewing Official Guidelines that rated me in FY03. I understand that the names and ID's of other employees must be removed. However, I believe the law entitles me to the remaining data (TWR, Overall Rating and payband and department ID).
5. Every "Rater Profile Report" described in the Reviewing Official Guidelines that rated me in FY04. I understand that the names and ID's of other employees must be removed. However, I believe the law entitles me to the remaining data (TWR, Overall Rating and payband and department ID).
6. Every "Rater Profile Report" described in the Reviewing Official Guidelines that rated me in FY05. I understand that the names and ID's of other employees must be removed. However, I believe the law entitles me to the remaining data (TWR, Overall Rating and payband and department ID).

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
JANUARY 31, 2006

Lt Gen James R. Clapper Jr., USAF (Ret.)  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests and  
Privacy Act Requests

Honorable Sir;

Under the Freedom of Information Act and the Privacy Act, I request the following public records including emails regarding a memo from Edward Watts, Jr to Winston Beauchamp dated January 13, 2006 with the subject: Final Decision Concerning the Formal Appeal of the FY 05 Performance Appraisal and Promotion Recommendation of Mr. Dan Heily.

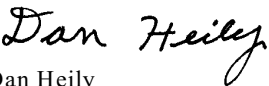
1. All emails and other public records sent to Mr. Watts that tasked Mr. Watts to create the memo.
2. All emails and other public records provided to Mr. Watts in support of the creation of the memo at issue.
3. All emails and other public records sent by Mr. Watts in support of his creation of the memo at issue.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

  
Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
FEBRUARY 9, 2006

Lt Gen James R. Clapper Jr., USAF (Ret.)  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests and  
Privacy Act Requests

Honorable Sir;

Under the Freedom of Information Act and the Privacy Act, I request the following public records including emails regarding a Letter of Reprimand issued to me by Mr. Larry Stephens on December 21, 2005.

1. All emails and other public records sent by Mr. Stephens relating in any way to the Letter of Reprimand.
2. All emails and other public records received by Mr. Stephens relating in any way to the Letter of Reprimand.
3. All emails and other public records sent by Chip Shand relating in any way to the Letter of Reprimand.
4. All emails and other public records received by Chip Shand relating in any way to the Letter of Reprimand.
5. All emails and other public records sent by Ms. Michele Motsko relating in any way to the Letter of Reprimand.
6. All emails and other public records received by Ms. Michele Motsko relating in any way to the Letter of Reprimand.
7. All emails and other public records sent by Mr. Winston Beauchamp relating in any way to the Letter of Reprimand.
8. All emails and other public records received by Mr. Winston Beauchamp relating in any way to the Letter of Reprimand.

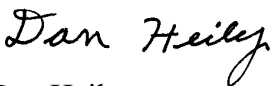
In order to help to determine to assess fees, you should know that I am an individual

seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

  
Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
FEBRUARY 12, 2006

Lt Gen James R. Clapper Jr., USAF (Ret.)  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests and  
Privacy Act Requests

Honorable Sir;

Under the Freedom of Information Act and the Privacy Act, I request the emails enumerated below , which are public records.

Whereas 5 U.S.C. requires *"In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format."* I hereby request that the form of the response be in native Microsoft Outlook format.

1. All emails on your unclassified network that have been designated For Official Use Only (FOUO) that were sent to me during the period of October 1, 2005 through February 12, 2006.

2. All emails on your unclassified network that have been designated FOUO that were received by me during the period of October 1, 2005 through February 12, 2006.

3. All **unclassified** emails on NGA Net that have been designated **FOUO** that were sent to me during the period of October 1, 2005 through February 12, 2006.

4. All **unclassified** emails on NGA Net that have been designated **FOUO** that were received by me during the period of October 1, 2005 through February 12, 2006.

5. All emails on your unclassified network that have been designated For Official Use Only (FOUO) that were sent by your employee Larry Stephens during the period of October 1, 2005 through February 12, 2006.



6. All emails on your unclassified network that have been designated FOUO that were received by your employee Larry Stephens during the period of October 1, 2005 through February 12, 2006.

7. All unclassified emails on NGA Net that have been designated FOUO that were sent by your employee Larry Stephens during the period of October 1, 2005 through February 12, 2006.

8. All unclassified emails on NGA Net that have been designated FOUO that were received by your employee Larry Stephens during the period of October 1, 2005 through February 12, 2006.

9. On November 22, 2005, Mr. David Scopp provided two responses to my Informal of my FY05 Performance Appraisal in hardcopy form. I hereby request softcopy versions of both responses.

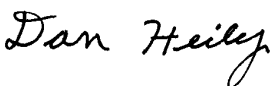
10. On November 29, 2005, Mr. David Scopp provided a response to my Informal Appeal of my FY05 Promotion Recommendation. I hereby request a softcopy version of that response.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

  
Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
FEBRUARY 15, 2006

Lt Gen James R. Clapper Jr., USAF (Ret.)  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests and  
Privacy Act Requests

Honorable Sir;

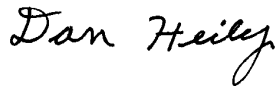
Under the Freedom of Information Act and the Privacy Act, I request the documents described in the attachment.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

A handwritten signature in cursive script that reads "Dan Heily".

Dan Heily

1. The following data associated with the external hiring action that resulted in the hiring of Barry Barlow:
  - a) The Position Description for the position filled by Barry Barlow along with any attachments.
  - b) The resume and all other documents submitted by Barry Barlow.
  - c) The Vacancy Announcements for the position that was filled by Barry Barlow.
  - d) If Barry Barlow was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
2. The following data associated with the external hiring action that resulted in the hiring of Lynn M. Dawson:
  - a) The Position Description for the position filled by Lynn M. Dawson along with any attachments.
  - b) The resume and all other documents submitted by Lynn M. Dawson.
  - c) The Vacancy Announcements for the position that was filled by Lynn M. Dawson.
  - d) If Lynn M. Dawson was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
3. The following data associated with the external hiring action that resulted in the hiring of Douglas Goolsby:
  - a) The Position Description for the position filled by Douglas Goolsby along with any attachments.
  - b) The resume and all other documents submitted by Douglas Goolsby.
  - c) The Vacancy Announcements for the position that was filled by Douglas Goolsby.
  - d) If Douglas Goolsby was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.

4. The following data associated with the external hiring action that resulted in the hiring of Joan L. Harchelroad:
  - a) The Position Description for the position filled by Joan L. Harchelroad along with any attachments.
  - b) The resume and all other documents submitted by Joan L. Harchelroad.
  - c) The Vacancy Announcements for the position that was filled by Joan L. Harchelroad.
  - d) If Joan L. Harchelroad was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
5. The following data associated with the external hiring action that resulted in the hiring of Alan Higgins:
  - a) The Position Description for the position filled by Alan Higgins along with any attachments.
  - b) The resume and all other documents submitted by Alan Higgins.
  - c) The Vacancy Announcements for the position that was filled by Alan Higgins.
  - d) If Alan Higgins was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
6. The following data associated with the external hiring action that resulted in the hiring of Jennifer A. Hurt:
  - a) The Position Description for the position filled by Jennifer A. Hurt along with any attachments.
  - b) The resume and all other documents submitted by Jennifer A. Hurt.
  - c) The Vacancy Announcements for the position that was filled by Jennifer A. Hurt.
  - d) If Jennifer A. Hurt was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.

7. The following data associated with the external hiring action that resulted in the hiring of Evangelo Karagiorgis:
  - a) The Position Description for the position filled by Evangelo Karagiorgis along with any attachments.
  - b) The resume and all other documents submitted by Evangelo Karagiorgis.
  - c) The Vacancy Announcements for the position that was filled by Evangelo Karagiorgis.
  - d) If Evangelo Karagiorgis was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
8. The following data associated with the external hiring action that resulted in the hiring of Brian T. Kelley:
  - a) The Position Description for the position filled by Brian T. Kelley along with any attachments.
  - b) The resume and all other documents submitted by Brian T. Kelley.
  - c) The Vacancy Announcements for the position that was filled by Brian T. Kelley.
  - d) If Brian T. Kelley was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
9. The following data associated with the external hiring action that resulted in the hiring of Laurie J. Litton nee Kelty:
  - a) The Position Description for the position filled by Laurie J. Litton nee Kelty along with any attachments.
  - b) The resume and all other documents submitted by Laurie J. Litton nee Kelty.
  - c) The Vacancy Announcements for the position that was filled by Laurie J. Litton nee Kelty.
  - d) If Laurie J. Litton nee Kelty was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.

10. The following data associated with the external hiring action that resulted in the hiring of Douglas McGovern:
  - a) The Position Description for the position filled by Douglas McGovern along with any attachments.
  - b) The resume and all other documents submitted by Douglas McGovern.
  - c) The Vacancy Announcements for the position that was filled by Douglas McGovern.
  - d) If Douglas McGovern was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
11. The following data associated with the external hiring action that resulted in the hiring of Adrienne H. Provines:
  - a) The Position Description for the position filled by Adrienne H. Provines along with any attachments.
  - b) The resume and all other documents submitted by Adrienne H. Provines.
  - c) The Vacancy Announcements for the position that was filled by Adrienne H. Provines.
  - d) If Adrienne H. Provines was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
12. The following data associated with the external hiring action that resulted in the hiring of Maureen Pryor.:
  - a) The Position Description for the position filled by Maureen Pryor. along with any attachments.
  - b) The resume and all other documents submitted by Maureen Pryor..
  - c) The Vacancy Announcements for the position that was filled by Maureen Pryor..
  - d) If Maureen Pryor. was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
FEBRUARY 20, 2006

Lt Gen James R. Clapper Jr., USAF (Ret.)  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests and  
Privacy Act Requests

Honorable Sir;

Under the Freedom of Information Act and the Privacy Act, I request the following:

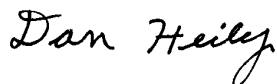
1. U.S. Code 10 U.S.C. , Defense Acquisition Workforce Acquisition (DAWIA) Corps has provisions for exempting *"...who, on October 1, 1991, has at least 10 years of experience in acquisition positions or in comparable positions in other government agencies or the private sector."* Per regulation, the exemption is associated with each position that an individual holds.
  - a) Please provide the materials submitted by David Scopp for his most recent two DAWIA exemptions that he has requested.
  - b) Please provide public documents that document the decisions that granted or disapproved of the most two DAWIA exemption applications by David Scopp.
2. Please provide the definitive and authoritative guidance used by NGA to mark public documents "For Official Use Only."

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,



Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
JULY 24, 2006

Vice Adm. Robert B. Murrett, Director  
National Geospatial-Intelligence Agency  
c/o Office of the General Counsel,  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Privacy Act Requests

Honorable Sir;

Under the Privacy Act, I request the following:

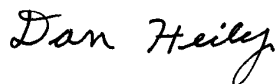
1. A declassified copy of an email on NGANet sent to me by Larry Stephens on December 13, 2005 at 8:32 AM subject: "Trying to Address Concerns of Retaliation, Hostile Work Environment, and Micro-Management".
2. A March 14, 2006 in an SBU email to me from Mr. Larry Stephens, stated "*At this meeting you will be provided a WARNING OF UNSATISFACTORY PERFORMANCE and a PERFORMANCE IMPROVEMENT PLAN* " You are requested to provide a copy of the Warning of Unsatisfactory Performance.
3. A March 14, 2006 in an SBU email to me from Mr. Larry Stephens, stated "At this meeting you will be provided a WARNING OF UNSATISFACTORY PERFORMANCE and a PERFORMANCE IMPROVEMENT PLAN " You are requested to provide a copy of the Performance Improvement Plan.
4. A copy of my final Performance Appraisal and any other assessment documentation associated with the end of my employment at NGA.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,



Dan Heily



DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
JANUARY 5, 2007

Vice Adm. Robert B. Murrett, Director  
National Geospatial-Intelligence Agency  
c/o Office of the General Counsel,  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Privacy Act and Freedom of Information Act Requests

Honorable Sir;

Under the Privacy Act and Freedom of Information Act, I request the following:

BACKGROUND: I am a former NGA employee who retired on July 3, 2006. In my last year at NGA, one of my assignments from my Branch Chief, Larry Stephens, Chief of AEDD, was to generate a set of "Use Cases" to describe how the data aspects of the Systems Engineering Process should be implemented. That process is described the "Systems Engineering V" which is in the possession of Mr. Stephens, and also in Appendix C of the IG Complaint from me dated January 24, 2006 and in the possession of the NGA IG.

1. REQUEST: All documents describing "Use Cases" to implement the "Systems Engineering V" that were created by any other person than myself. In other words, the work product of the person(s) that succeeded me on the Use Case Task.
2. On October 12, 2006, I met with Kathryn E. Filipovich who is an investigator with the NGA Office of the Inspector General. That meeting was tape recorded. You are requested to provide a copy of that tape recording. You are also requested to provide a written transcription if one was created.
3. On January 24, 2006, I submitted a complaint to the DoD Inspector General. That Complaint was updated on October 12, 2006. Portions of that complaint were assigned to the DoD IG. You are requested to provide a copy of that tape recording of all persons interviewed in the investigation of that Complaint (and Update). You are also requested to provide a written transcription if one was created.
4. The most recent Statement of Work for the GeoScout Contract that is currently in force.
5. All emails sent to or from Larry Stephens on the SBU network for the period October 1, 2005 through September 30, 2006 that contain any of the following words in the subject line or body of the message: dan or heily or "use case".
6. All emails sent to or from Larry Stephens on NGANet network for the period October 1, 2005 through September 30, 2006 that contain any of the following words or phrase in the subject line or body of the message: dan or heily or "use case".
7. The Statement of Work that was issued with the GeoScout Request for Proposal.
8. The most recent Statement of Work for the GeoScout Contract that is currently in force.

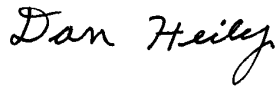
9. The Statement of Work that was issued with the Enterprise Engineering Request for Proposal.
10. The most recent Statement of Work for the Enterprise Engineering Contract that is currently in force.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally. I further intend to utilize this information in reporting to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the President's Council on Integrity and Efficiency.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

A handwritten signature in cursive script that reads "Dan Heily".

Dan Heily

-----Original Message-----

From: FOIA Request System [mailto:nobody@dtic.mil]  
Sent: Monday, January 22, 2007 3:29 PM  
To: dan@heily.com  
Subject: Freedom of Information Act Request Confirmation

\*\*\* THIS IS AN AUTOMATED MESSAGE. DO NOT REPLY. \*\*\*

This is your confirmation that we have received your FOIA request. Please note that it will be date-stamped as "received" on the next official business day.

You provided the following information:

Submitted: [22/Jan/2007:15:29:07]  
Name: Dan Heily  
Organization:  
Phone number: 703-759-3013  
E-mail: dan@heily.com

Address 1: 9412 Brian Jac Court  
Address 2:  
City: Great Falls  
State: VA  
ZIP Code: 22066-2009  
Country:

Your Request:

Regarding IG Hotline Complaint 98873, please provide all Inspector General Investigative and Complaint Files associated with my IG complaint dated January 24, 2006 and updated on October 12, 2006. (except my complaint and update of which I have copies) this includes Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.

Willing To Pay: \$ 250

--

Submitted via <http://www.dod.mil/pubs/foi/foiarequest.html>

Sender Information:

REMOTE\_HOST: 65.206.60.105  
REMOTE\_ADDR: 65.206.60.105  
Browser: Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.8.0.9) Gecko/20061206  
Firefox/1.5.0.9  
E-mail: dan@heily.com

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
JANUARY 22, 2007

Vice Adm. Robert B. Murrett, Director  
National Geospatial-Intelligence Agency  
c/o Office of the General Counsel,  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests

Honorable Sir;

Under the Freedom of Information Act, I request the data enumerated below. Please note that

You sent me a letter dated December 21, 2006 (received January 10, 2006) with a control number of U-324-06/OIG. That letter stated that "It contains information that may be protected by the Privacy Act and/or Freedom of Information act." I am desirous of having a version of that letter that identified all information that is restricted by law.

U.S. Code 5 U.S.C. § 552 states *inter alia* "Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection. The amount of information deleted shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted shall be indicated at the place in the record where such deletion is made."

Request 1: All reasonably segregable portions of the letter identified as U-324-06/OIG with the FOIA and Privacy Act deletions indicated.

You have identified your Inspector General Investigative and Complaint Files as containing:

"Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports."

Request 2: All Inspector General Investigative and Complaint Files associated with my IG complaint dated January 24, 2006 and updated on October 12, 2006. (except my complaint and update of which I have copies)

On February 20, 2006, I made the following FOIA request: "Please provide public documents that document the decisions that granted or disapproved of the most two DAWIA exemption applications by David Scopp."

Request 3: I amend my request *supra* to **all** the decisions that granted or disapproved DAWIA exemption applications by David Scopp and all the applications made by David Scopp for DAWIA exemption.

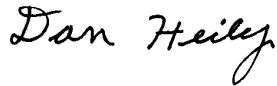
Request 4: Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports in the possession of the NGA Office of Diversity Management and Equal Employment (ODE). (except for copies of my January 24, 2006 and updated on October 12, 2006, which I have copies)

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally. I further intend to utilize this information in reporting to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the President's Council on Integrity and Efficiency.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

A handwritten signature in cursive script that reads "Dan Heily". The signature is written in black ink and is positioned above the printed name.

Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
JANUARY 24, 2007

Department of Defense Inspector General  
Freedom of Information Act & Privacy Act Office  
400 Army Navy Drive, Room 223  
Arlington, Virginia 22202-4704

Sent via email: FOIA@dodig.osd.mil

Subject: Freedom of Information Act Requests

Honorable Sir;

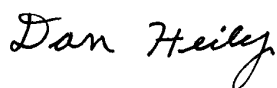
Under the Freedom of Information Act and the Privacy Act, I request the following data associated with IG Hotline Complaint 98873: all Inspector General Investigative and Complaint Files associated with my IG complaint dated January 24, 2006 and updated on October 12, 2006. (except my complaint and update of which I have copies) this includes Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally. I further intend to utilize this information in reporting to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the President's Council on Integrity and Efficiency.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

A handwritten signature in cursive script that reads "Dan Heily".

Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
JANUARY 25, 2007

Vice Adm. Robert B. Murrett, Director  
National Geospatial-Intelligence Agency  
c/o Office of the General Counsel,  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests

Honorable Sir;

Under the Freedom of Information Act, I request the following data:

BACKGROUND: When NGA nee NIMA went from the OPM's General Schedule of job classification to what I believe is designated as "NGA Occupational Specialty" for the Pay Banding personnel system in place at NGA.

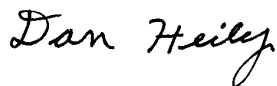
DATA REQUEST: Please provide the description of each and every NGA Occupational Specialty (or whatever replaced the OPM GS Position Descriptions) for each band. Additionally, please provide the data that indicates the training for each, and also any promotion profiles or other guidance provided to employees and supervisors about job qualifications.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally. I further intend to utilize this information in reporting to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the President's Council on Integrity and Efficiency.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,



Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
MARCH 2, 2007

Attorney General Alberto R. Gonzales  
c/o James M. Kovakas  
Freedom of Information/Privacy Act Office Civil Division  
Room 7304  
20 Massachusetts Avenue, NW  
Department of Justice  
Washington, D.C. 20035

Sent Certified  
7005 1160 0002 7262 2933  
Return Receipt Requested

**FOIA Request**

Honorable Sir;

The FOIA requests enumerated below are all relating to the case filed in Minneapolis U.S. District Court by Ms. Jane Turner. A verdict was reached in February 2007.

This is the same case that Sen. Charles E. Grassley, Iowa Republican, asked FBI Director Robert S. Mueller III how he now intended to deal with the supervisors held accountable for the acts of retaliation.

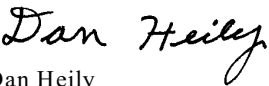
In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government treats "Whistleblowers". I further intend to utilize this information in reporting to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate on how the Department of Defense treats Whistleblowers.

I would prefer the data in softcopy, but will accept it also in hardcopy. I can read pdf, WordPerfect, and MS Word files easily.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

  
Dan Heily



March 1, 2007 FOIA Requests re Jane Turner 2001 case:

1. The initial Bill of Complaint or other triggering document that was filed with the court.
2. The government's response to the triggering document.
3. All amendments to the Bill of Complaint.
4. The government's response to all amendments to the Bill of Complaint.
5. All dispositive motions filed by the government.
6. The answer to all dispositive motions in this case.
7. The District Court rulings on all dispositive motions.
8. The appeal filed by the plaintiff to the Appellate Court.
9. The government's response to the plaintiff's appeal.
10. The Appellate Court ruling overturning the District Court dismissal of the suit.
11. All protective orders and motions in limine filed by the government.
12. The plaintiff's response to all protective orders and motions in limine.
13. The proposed jury instructions submitted by the plaintiff.
14. The proposed jury instructions submitted by the government.
15. The jury instructions approved by the judge.

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
APRIL 22, 2008

Vice Adm. Robert B. Murrett, Director  
National Geospatial-Intelligence Agency  
c/o Office of the General Counsel,  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests and Privacy Act Requests

Honorable Sir;

Under the Freedom of Information Act, I request the following:

Request Number 1: A copy of the NGA Configuration Control Board controlled document titled "Joint System Engineering Process Manual" that was current as of October 1, 2005.

Request Number 2: A copy of **all** unclassified emails **sent** to me while I was an NGA employee on the NGA Sensitive But Unclassified (SBU) email system from July 1, 2006 through my retirement. Please include any designated FOUO that qualify to be released under the Privacy Act.

Request Number 3: A copy of **all** classified emails **sent** to me while I was an NGA employee on the NGA classified email system from July 1, 2006 through my retirement. This Request is limited to only emails designated as "unclassified" or "FOUO".

Background for the Requests below:

While at NGA, I worked in the Acquisition Directorate Engineering Organization. My final assignment was in the Acquisition Engineering Division (AED). The scope of the requests below are limited to procedures applicable to AED (either imposed from a higher echelon, or imposed within AED)

Request Number 4: Please provide all procedures/directives/mandates or other policies that require schedules be developed using **Microsoft Project Software** that were applicable from January 1, 2005 through July 2006.

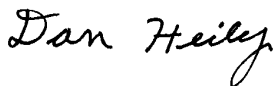
Request Number 5: Please provide all schedules created in Microsoft Project that were developed as a result of the procedures/directives/mandates or other policies identified in Request Number 4.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally. I further intend to utilize this information in reporting to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the President's Council on Integrity and Efficiency.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,



Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
APRIL 25, 2007

Vice Adm. Robert B. Murrett, Director  
National Geospatial-Intelligence Agency  
c/o Office of the General Counsel,  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act and Privacy Act Requests

Honorable Sir;

Under the Freedom of Information Act and Privacy Act, I request the following data:

BACKGROUND for Requests 1-4:

U.S. Code 50 U.S.C. § 403-5(b)(2)(D)(i) states that the Director NGA nee NIMA is responsible for “*prescribing technical architecture and standards related to imagery intelligence and geospatial information and ensuring compliance with such architecture and standards; and*”

DATA REQUEST 1: Please provide an index/listing of “standards related to imagery intelligence and geospatial information” that have been prescribed by the Director NGA.

DATA REQUEST 2: Please provide the document(s) with the imprimatur of the Director NGA or his designate that established the standards identified in Data Request 1 as official standards per U.S. Code 50 U.S.C. § 403-5(b)(2)(D)(i).

DATA REQUEST 3: If the document(s) provided as a result of Data Request 2 was/were signed by a designate of the Director NGA, then please provide the documents whereby the Director NGA delegated authority to declare official standards per U.S. Code 50 U.S.C. § 403-5(b)(2)(D)(i)

DATA REQUEST 4: Please provide a copy of the “technical architecture” proscribed by the Director NGA.

DATA REQUEST 5: Please provide the document(s) with the imprimatur of the Director NGA or his designate that established the technical architecture identified in Data Request 4 as “official” per U.S. Code 50 U.S.C. § 403-5(b)(2)(D)(i).

DATA REQUEST 6: If the document(s) provided as a result of Data Request 5 was/were signed by a designate of the Director NGA, then please provide the documents whereby the Director NGA delegated authority to declare the official architecture per U.S. Code 50 U.S.C. § 403-5(b)(2)(D)(i)

BACKGROUND for Requests 6-11:

On December 12, 2005 7:19am an NGA employee, Larry Stephens, left the following voice mail for me:

*“Hey Dan, this is Larry its Monday Morning. I do want to let you know I wanted to try to touch base with you today. Ah this is this is this is ah is ah administrative, it relates to your appeal. You wouldn't know this, but this coming Friday, and over the weekend, I have gone through and pulled together a chronology of the issues that have occurred actually since January ah of this year, up to the end of the Fiscal year. And I have 31 pages of issues and comments right now, 59 emails and I'm done. And I think that I can clearly show ah that you know, based on a promotion profile from a four to five, that you know, not only do you not meet it, ah but that you know I did give you credit for your GSMA work. That you may not have gotten a satisfactory, if I would if I have had just judged you on what I am going to show. I just don't think that this is beneficial for any of us to go through this. I again, would much rather work with you and find a way forward that is positive then start reveling dirty laundry. Because I can show tasks that you got that you either did not complete, or not complete on time, guidance you were given that you did not follow. Ah directions that you were provided consistently that you ignored. Ah so, And, I just would would rather not do that. I would rather again, find a way to address the issues and move ahead. Ah, and I would rather address the issues and move ahead. Ah because I can show from mid-point on when these were brought up, until until now if I need to that some of the concerns that existed we've seen results. Which is the reason was in mid-point. And is the reason that I've already mentioned to you we have to have a talk you know soon about what you are doing because some of*

*it is continuing. But you know, it is your call. I would ask you to seriously reconsider because I'm you know all I have do is to show is show that you didn't deserve anything above satisfactory. And I can show that and I am very confident of that. So ah, but that is your call. But I would ask you to rethink it again again, I'm I'm only about half way through all my notes and all my emails to do this. So when it is done, I going to have a very long chronology with issues from from January on until now if I have to. So, but ah, and I just would I wouldn't want to do this to anybody, so I don't really want to do this to you. But you know if if you want to continue, I will have no choice. Ah but I would at least like to at least touch base with you today about this. Thank you much. Bye"*

DATA REQUEST 6: Please provide the *"31 pages of issues and comments"* indicated by Mr. Stephens *supra*.

DATA REQUEST 7: Please provide *the "59 emails"* indicated by Mr. Stephens *supra*.

DATA REQUEST 8: Please provide all documents that indicate *"tasks that you got that you either did not complete, or not complete on time,"* indicated by Mr. Stephens *supra*.

DATA REQUEST 9: Please provide all document that indicate *"guidance you were given that you did not follow"* indicated by Mr. Stephens *supra*.

DATA REQUEST 10: Please provide all documents that indicate *"directions that you were provided consistently that you ignored. "* indicated by Mr. Stephens *supra*.

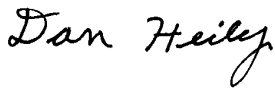
DATA REQUEST 11: Please provide all remaining documents developed by Mr. Stephens to related to my appeal referenced by Mr. Stephens *supra*. (*"administrative, it relates to your appeal."*)

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally. I have already reported management issues to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and will use this data to update them. I also plan to use this data in a report to the President's Council on Integrity and Efficiency.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

A handwritten signature in black ink that reads "Dan Heily". The signature is written in a cursive, slightly slanted style.

Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
SEPTEMBER 16, 2008

Vice Adm. Robert B. Murrett, Director  
National Geospatial-Intelligence Agency  
c/o Office of the General Counsel,  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil  
Sent Certified 7007 0220 0001 8945 4148

Subject: Freedom of Information Act Requests

Reference: Hotline Complaint 98873

Honorable Sir;

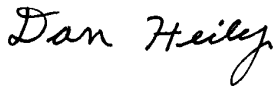
Under the Freedom of Information Act and the Privacy Act, I request the following data associated with IG Hotline Complaint 98873: all Inspector General Investigative and Complaint Files associated with my IG complaint dated January 24, 2006 and updated on October 12, 2006. (except my complaint and update of which I have copies) this includes Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally, and how the inspector general function is operationalized.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,



Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
SEPTEMBER 16, 2008

Department of Defense Inspector General  
Freedom of Information Act & Privacy Act Office  
400 Army Navy Drive, Room 223  
Arlington, Virginia 22202-4704

Sent via email: FOIA@dodig.osd.mil  
Sent Certified 7007 0220 0001 8945 4131

Subject: Freedom of Information Act Requests

Reference: Hotline Complaint 98873

Honorable Sir;

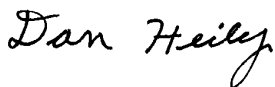
Under the Freedom of Information Act and the Privacy Act, I request the following data associated with IG Hotline Complaint 98873: all Inspector General Investigative and Complaint Files associated with my IG complaint dated January 24, 2006 and updated on October 12, 2006. (except my complaint and update of which I have copies) this includes Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.

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The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

A handwritten signature in cursive script that reads "Dan Heily".

Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
SEPTEMBER 16, 2008

Jim Tussle, Director  
Office of Management and Budget.  
c/o Dionne Hardy, OMB FOIA Officer  
725 17th Street, NW  
Room 9026  
Washington, DC 20503

Sent Certified 7007 0220 0001 8945 4124

Subject: Freedom of Information Act Requests

Honorable Sir;

Under the Freedom of Information Act and the Privacy Act, I request the following data associated with Presidents Council on Integrity and Efficiency Complaint (PCIE) Integrity Committee Complaint #576. All PCIE Investigative and Complaint Files associated with PCIE IC Complaint #576 (except my complaint of which I have copies) this includes Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.

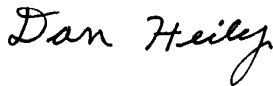
Attached please find a copy indicating that the PCIE IC has closed the investigation.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally, and how the inspector general function is operationalized.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,



Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
DECEMBER 26, 2008

Attorney General Michael B. Mukasey  
c/o Mary K. Conway, Integrity Committee  
FBIHQ  
935 Pennsylvania Avenue Room 3973  
Washington, DC 20535

Subject: Freedom of Information Act /Privacy Act Requests

Ref (A) September 16 FOIA request to OMB (attached)  
(B) November 24, 2008 reply from OMB (attached)

Honorable Sir;

Under the Freedom of Information Act and the Privacy Act, I request the following data associated with Presidents Council on Integrity and Efficiency Complaint (PCIE) Integrity Committee Complaint #576. All PCIE Investigative and Complaint Files associated with PCIE IC Complaint #576 (except my complaint of which I have copies) this includes Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.

Reference A requested the identical data as above for data under the purview of the Presidents Council on Integrity and Efficiency Complaint (PCIE) Integrity Committee. Reference B denied custodianship (but not control) of the requested data. Further, Reference B indicated that "...the requested information is maintained and may be available at the Federal Bureau of Investigation...". This is the reason for what appears to be a duplicative request.

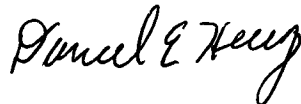
In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally, and how the inspector general function is operationalized.

This data a partial basis for a lawsuit that includes the Director OMB, and the Deputy Director of OMB that is the head of the PCIE. If the data is not received within twenty days, I will be amending the lawsuit to cover you and OMB jointly. That way, the court can sort out any custody and control issues. And if the data is provided, I will be amending the suit to remove Director and Deputy Director OMB. I am emailing a copy of this missive to the US Attorney assigned to the lawsuit.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

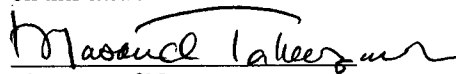


Dan Heily

CC Alexander D. Shoabi  
Alexander.D.Shoabi@USDOJ.gov

NOTARY'S ACKNOWLEDGMENT

Commonwealth of Virginia, County of Fairfax. On December 26, 2008, before me, MASOUD TAHERZADEH, a notary public in and for the Commonwealth of Virginia, personally appeared Dan Heily, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed on this instrument

  
Signature of Notary

**MASOUD TAHERZADEH**  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES MAR. 31, 2012  
COMMISSION # 7163823

**MASOUD TAHERZADEH**  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES MAR. 31, 2012  
COMMISSION # 7163823



DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
SEPTEMBER 16, 2008

Jim Tussle, Director  
Office of Management and Budget.  
c/o Dionne Hardy, OMB FOIA Officer  
725 17th Street, NW  
Room 9026  
Washington, DC 20503

Sent Certified 7007 0220 0001 8945 4124

Subject: Freedom of Information Act Requests

Honorable Sir;

Under the Freedom of Information Act and the Privacy Act, I request the following data associated with Presidents Council on Integrity and Efficiency Complaint (PCIE) Integrity Committee Complaint #576. All PCIE Investigative and Complaint Files associated with PCIE IC Complaint #576 (except my complaint of which I have copies) this includes Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.

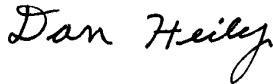
Attached please find a copy indicating that the PCIE IC has closed the investigation.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally, and how the inspector general function is operationalized.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,



Dan Heily



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

NOV 24 2008

Mr. Dan Heily  
9412 Brian Jac Court  
Great Falls, Virginia 22066

Dear Mr. Heily:

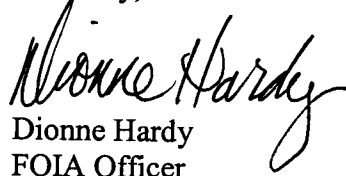
This responds to your Freedom of Information Act (FOIA) request to the Office of Management and Budget (OMB) dated September 16, 2008, which was received in this office on October 3, 2008. Your request asked for:

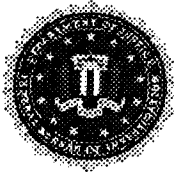
“data associated with Presidents Council on Integrity and Efficiency Complaint (PCIE) Integrity Committee Complaint #576. All PCIE Investigative and Complaint Files associated with PCIE IC Complaint #576 (except my complaint of which I have copies) this includes Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.”

After a careful review of your request, we conducted a search of OMB's files and did not identify any records or documents that are responsive to your request. However, the requested information is maintained and may be available at the Federal Bureau of Investigation (FBI). You may submit your request in writing to Mary K. Conway, Integrity Committee, FBIHQ, 935 Pennsylvania Avenue, Room 3973, Washington, DC 20535 or directly to the FOIA ICRC, Site 2, Winchester, VA 22602-4843. Please note that individuals requesting a FOIA or Privacy Act review must have their signature notarized.

If you consider this to be a denial of your request, you may appeal this response in accordance with OMB regulations, at 5 C.F.R. 1303.

Sincerely,

  
Dionne Hardy  
FOIA Officer



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

May 13, 2009

MR. DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VA 22066

Request No: 1126352-000  
Subject: INTEGRITY COMMITTEE/576

Dear Mr. Heily:

The purpose of this letter is to advise you of the status of your pending Freedom of Information/Privacy Acts (FOIPA) request at the Federal Bureau of Investigation (FBI). Currently the FBI is searching for, retrieving, scanning, and evaluating files that may be responsive to your request. Many factors may contribute to the time required to process your request; however, the greatest single factor is the number of documents associated with your request.

Once your files have been evaluated as potentially responsive, your request will be forwarded to the "perfected backlog", where your request will wait for assignment to an analyst.

You may inquire as to the status of your request by calling the FBI's FOIPA Public Information Center at 540-868-4593.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the typed name.

David M. Hardy  
Section Chief,  
Record/Information Dissemination Section  
Records Management Division

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
MAY 18, 2009

Attorney Eric Holder  
c/o David M. Hardy, Section Chief  
Record Information/Dissemination Section  
Records Management Division  
170 Marcel Drive  
Winchester, VA 22602-4843

Reference: Letter from David Hardy dated May 13, 2009 (attached)

Subject: Request No. 1126352-000

Dear Sir;

The purpose of this letter is to advise you of the status of the of the instant lawsuit to compel you to meet your duties.

It is regrettable that you cannot comply with the laws of the nation, nor the spirit of our new president as articulated in his recent Executive Order on FOIA. Your behavior is clearly dilatory, an I believe contumacious.

#### STATUS

I will be amending the lawsuit at the end of this month to cover all outstanding FOIA actions and to cull issues that have been resolved.

After that, it will be up to the Assistant US Attorney, Alexander D. Shoaibi, as how we proceed. I believe his desire is to go to summary judgement. However you are making it difficult to prevail when the "undisputed facts" section will state that you have not taken your duties seriously, and have not provided the requested data.

I have made an effort to minimize the time required by Mr. Shoabi because I believe that all assistant US Attorneys are overworked. Your contumacious behavior is harmful to all concerned.

Furthermore, you will be wasting judicial resources to have a federal judge tell you to do your job.

I am sending this through Mr. David Hardy. However if the data is not forthcoming, I shall assume that he has not forwarded this letter, and I shall you your own copy directly.

Very truly yours,

  
Dan Heily

Alexander.D.Shoaibi@usdoj.gov



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

June 15, 2009

MR. DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VA 22066

Subject: INTEGRITY COMMITTEE/576

FOIPA No. 1126352- 000

Dear Mr. Heily:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☐ (b)(1)
- ☐ (b)(2)
- ☐ (b)(3) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- ☐ (b)(4)
- ☒ (b)(5)
- ☒ (b)(6)

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☐ (b)(7)(D)
- ☐ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)

Section 552a

- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☐ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

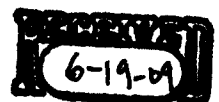
11 page(s) were reviewed and 5 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- ☐ referred to the OGA for review and direct response to you.
- ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s).



If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish or number "3".

David M. Hardy *DDM*  
Section Chief  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)

In response to your limited Freedom of Information Act (FOIA) request, enclosed is a processed copy of FBI Headquarters file 296-HQ-1583862.

Pursuant to your request, documents pertaining to your complaint of which you have copies were not considered for processing.

## **EXPLANATION OF EXEMPTIONS**

### **SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could be reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could be reasonably expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

### **SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

May 9, 2008

Ms. Eileen Gleason  
Trial Attorney  
Public Integrity Section  
Department of Justice  
1400 New York Avenue  
Room 12100  
Washington, D.C. 20038

IC # 576

Dear Ms. Gleason:

Enclosed is a complaint dated May 1, 2008 from Dan Heily of Great Falls, Virginia. He is alleging that the Office of Inspector General, Department of Defense, failed to investigate his complaint submitted in January of 2006.

Consistent with a longstanding practice, this complaint is being referred to the Public Integrity Section for a determination whether a criminal investigation is warranted. The Integrity Committee (IC) will maintain both cases in a pending status until the conclusion of your review.

The IC appreciates your assistance in this matter.

Sincerely,

Kenneth W. Kaiser  
Chair, Integrity Committee

Enclosure

1 ☐

MKC:mkc (4)

*KWK/AL*

APPROVED:	Asst. Dir.	Gen. Counsel	Asst. Dir. for
	Adm. Serv.	Ident. & Insp.	Off. of Cong. & Public Aff.
	Ext. Affairs	Intell.	Off. of Legal Coun.
	Files & Com.	Lab.	Off. of Policy & Planning
	Gen. Inv.	Plan. & Insp.	Off. of Rec. Mgmt.
	Ident. & Insp.	Spec. Inv.	Off. of Tech. Serv.
	Intell.	Training	

b6  
b7C

294-1583865-3



July 28, 2008

Mr. Thomas J. Burton  
Inspector General  
National Geospatial-Intelligence Agency (NGA)  
4600 Sangamore Rd.  
Bethesda, MD 20816-5003

IC # 576

Dear Mr. Burton:

Pursuant to Executive Order (EO) 12993, the IC was established as an independent mechanism to receive, review, and investigate, where appropriate, allegations of administrative misconduct against Inspectors General (IGs) and, in limited cases, IG senior staff members. The IC will refer cases to other investigative bodies, close cases, or take other actions consistent with its discretionary powers under EO 12993.

In May 2008, the IC received a complaint from Dan Heily from Great Falls, Virginia. Mr. Heily is alleging that both the Department of Defense (DOD) and National Geospatial-Intelligence Agency (NGA), Office of Inspectors General (OIG) failed to investigate his complaints of prohibited personnel practices, reprisals, ethics violations and rights of due process.

The IC reviewed the complaint at our June 2008 meeting and concluded that the allegations lacks a substantial likelihood of a violation of a law, rule or regulation, or gross mismanagement, gross waste of funds, or abuse of authority by the IG. A copy of the complaint is enclosed. The IC noted that the complaint was originally referred from DOD (DOD Hotline # 98873) to NGA for review. The IC also noted that according to information provided by the complainant, the last correspondence received from NGA was dated December 21, 2006.

Enclosure

1

1

MKC:mkc (4)

APPROVED

Chief of Staff  
Deputy Director

MAILED



7/29/08

296HQ-1583865-4

b6  
b7c

Mr. Thomas J. Burton

July 28, 2008

Mr. Heily alleges that he has not received any further communication from NGA since that date. Although the IC will take no further action, the IC members opined that NGA OIG may want to consider corresponding with the complainant, advising him of the outcome of the investigation.

The IC does not contemplate taking further action in this matter and has placed this file in a closed status.

Sincerely,

Kenneth W. Kaiser  
Chair, Integrity Committee

1 - The Honorable Clay Johnson, III (no enclosure)  
Chairman, President's & Executive Councils on Integrity and Efficiency  
c/o United States Office of Management and Budget (OMB)  
Eisenhower Executive Office Building  
17th Street & Pennsylvania Avenue, NW, Room 113  
Washington, D.C. 20503

1 - The Honorable Claude M. Kicklighter  
Inspector General  
Department of Defense  
400 Army Navy Drive  
Arlington, VA. 22202-4704



## U.S. Department of Justice

## Criminal Division

---

Washington, D.C. 20530

September 12, 2008

Mr. Kenneth W. Kaiser  
Chairman, Integrity Committee  
President's Council on Integrity and Efficiency  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W., Room 3090  
Washington, D.C. 20535-0001

Dear Mr. Kaiser:

This letter is to confirm our review of the following matters referred to the Public Integrity Section by the Integrity Committee of the President's Council on Integrity and Efficiency:

- IC No. 567: Allegation concerning the Inspector General of the Social Security Administration;
- IC No. 568: Allegation concerning the Inspector General of the Department of Agriculture;
- IC No. 569: Allegation concerning the Inspector General of the Social Security Administration;
- IC No. 570: Allegation concerning the Inspector General of the Office of Personnel Management;
- IC No. 571: Allegation concerning the Inspector General of the Department of Education;
- IC No. 572: Allegation concerning the Inspector General of the U.S. Government Printing Office;
- IC No. 573: Allegation concerning the Principal Deputy Inspector General of the Department of the Treasury;
- IC No. 574: Allegation concerning U.S. Customs and Border Patrol Field Office
- IC No. 575: Allegation concerning the Inspector General of the Small Business Administration;

296-HQ-1583865-9

~~IC No. 576:~~ Allegation concerning the Inspector General of the Department of  
~~Defense; and~~

IC No. 577: Allegation concerning the Inspector General of the Department of the  
Interior

Based upon review of the materials provided, the Public Integrity Section has concluded that a criminal investigation is not warranted. The Integrity Committee should proceed to consider these as administrative complaints. In the event the Integrity Committee's further review or administrative investigations of these matters should develop evidence of a federal crime or crimes, please contact this Section for further prosecutive review.

Please note that with respect to some of the above matters, we previously advised your office earlier concerning our conclusions, and this letter serves to confirm our earlier notice.

Very truly yours,

WILLIAM M. WEICH, II  
Chief, Public Integrity Section



Eileen Gleason  
Trial Attorney

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
APRIL 21, 2009

Leon E. Panetta, Director  
Central Intelligence Agency  
c/o Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, D.C. 20505

Sent Certified Number  
70072680000192752455

Reference (A) FOIA request to NGA dated January 5, 2007 (attached)  
(B) Response from NGA to Reference A dated August 8, 2007 (attached)

Subject: Freedom of Information Act Requests

Honorable Sir;

Under the Freedom of Information Act, I request the following:

1. The NGA GeoScout Request for Proposal that was released for bid including the Statement of Work.
2. The most recent Statement of Work for the NGA GeoScout Contract. (The last one if the contract has been closed)
3. The NGA Enterprise Engineering Request for Proposal that was released for bid including the Statement of Work.
4. The most recent Statement of Work for the NGA Enterprise Engineering Contract. (The last one if the contract has been closed)

Softcopy is preferred.

BACKGROUND: Reference A requested the data above. The response from NGA, Reference B indicated that the data was under the custody and control of the CIA. The data is for procurement actions conducted for NGA (nee NIMA) by CIA contracting staff.

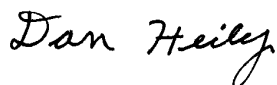
PROCEDURAL STATUS: NGA is currently a defendant in a FOIA lawsuit. **If you do not provide the data requested above within 20 workdays, then I will add you to the lawsuit.** This way, you and NGA can explain to the judge why the data hasn't been forthcoming. The US Attorney assigned to this matter is Alexander D. Shoaibi (Alexander.D.Shoaibi@usdoj.gov).

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,



Dan Heily

cc: Alexander D. Shoaibi via email

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
JANUARY 5, 2007

Vice Adm. Robert B. Murrett, Director  
National Geospatial-Intelligence Agency  
c/o Office of the General Counsel,  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Privacy Act and Freedom of Information Act Requests

Honorable Sir;

Under the Privacy Act and Freedom of Information Act, I request the following:

BACKGROUND: I am a former NGA employee who retired on July 3, 2006. In my last year at NGA, one of my assignments from my Branch Chief, Larry Stephens, Chief of AEDD, was to generate a set of "Use Cases" to describe how the data aspects of the Systems Engineering Process should be implemented. That process is described the "Systems Engineering V" which is in the possession of Mr. Stephens, and also in Appendix C of the IG Complaint from me dated January 24, 2006 and in the possession of the NGA IG.

1. REQUEST: All documents describing "Use Cases" to implement the "Systems Engineering V" that were created by any other person than myself. In other words, the work product of the person(s) that succeeded me on the Use Case Task.
2. On October 12, 2006, I met with Kathryn E. Filipovich who is an investigator with the NGA Office of the Inspector General. That meeting was tape recorded. You are requested to provide a copy of that tape recording. You are also requested to provide a written transcription if one was created.
3. On January 24, 2006, I submitted a complaint to the DoD Inspector General. That Complaint was updated on October 12, 2006. Portions of that complaint were assigned to the DoD IG. You are requested to provide a copy of that tape recording of all persons interviewed in the investigation of that Complaint (and Update). You are also requested to provide a written transcription if one was created.
4. The most recent Statement of Work for the GeoScout Contract that is currently in force.
5. All emails sent to or from Larry Stephens on the SBU network for the period October 1, 2005 through September 30, 2006 that contain any of the following words in the subject line or body of the message: dan or heily or "use case".
6. All emails sent to or from Larry Stephens on NGANet network for the period October 1, 2005 through September 30, 2006 that contain any of the following words or phrase in the subject line or body of the message: dan or heily or "use case".
7. The Statement of Work that was issued with the GeoScout Request for Proposal.
8. The most recent Statement of Work for the GeoScout Contract that is currently in force.

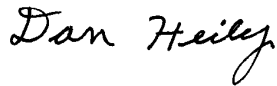
9. The Statement of Work that was issued with the Enterprise Engineering Request for Proposal.
10. The most recent Statement of Work for the Enterprise Engineering Contract that is currently in force.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally. I further intend to utilize this information in reporting to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the President's Council on Integrity and Efficiency.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

A handwritten signature in black ink that reads "Dan Heily". The signature is written in a cursive, slightly slanted style.

Dan Heily



# NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

4600 Sangamore Road  
Bethesda, Maryland 20816-5003

OGCA-20070103

18 AUG 2007

Mr. Dan Heily  
9412 Brian Jac Court  
Great Falls, VA 22066

RE: Freedom of Information Act (FOIA) Request #20070103F

Dear Mr. Heily:

1. This letter responds to your FOIA request to the National Geospatial-Intelligence Agency (NGA) under the Freedom of Information Act (FOIA), dated January 5, 2007.
2. You requested (1) all documents describing "Use Cases" to implement the "Systems Engineering V", (2) documents pertaining to Office of Inspector General (OIG) investigations and (3) documents relating to the GeoScout contract.
3. Response to Item 1. Due to the quantity of responsive emails the documents are being released on CD rather than providing them in hardcopy.
4. Response to Items 2 and 3. Please see OIG's letter dated December 21, 2006 enclosed.
5. Response to Items 4, 6, 7, 8 (duplicate of 4), 9 and 10. We have determined that this is not a matter for NGA action. The GeoScout and EE contracts make use of CIA authorities. We recommend that you contact the CIA FOIA Liaison Officer directly.
6. Fees associated with the processing of your FOIA request have been waived.

Sincerely,

TONNETTE K. FLEMING  
Program Officer  
Administrative Law and  
Litigation

Enclosures a/s

8-11-07



**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Leon E. Panetta, Director CIA  
c/o Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, D.C. 20505

2. Article Number

(Transfer from service label)

7007 2680 0001 9275 2455

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Anthony Cott*☐ Agent☐ Addressee

B. Received by (Printed Name)

*Anthony Cott*

C. Date of Delivery

4-28-09

D. Is delivery address different from item 1?

☐ Yes

If yes, enter delivery address below:

☐ No☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Washington, D.C. 20505

12 August 2009

Mr. Dan Heily  
9412 Brian Jac Court  
Great Falls, VA 22066

Reference: F-2009-01001

Dear Mr. Heily:

On 28 April 2009, the office of the Information and Privacy Coordinator received your 21 April 2009 Freedom of Information Act (FOIA) request for information regarding:

- 1) The NGA GeoScout Request for Proposal that was released for bid including the Statement of Work.
- 2) The most recent Statement of Work for the NGA GeoScout Contract. (The last one if the contract has been closed.)
- 3) The NGA Enterprise Engineering Request for Proposal that was released for bid including the Statement of Work.
- 4) The most recent Statement of Work for the NGA Enterprise Engineering Contract. (The last one if the contract has been closed.)

We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily.

First, I must consider your request for a fee waiver under the standards the Agency FOIA regulations outline, which you will find at Part 1900 of Title 32 of the Code of Federal Regulations (CFR). I have reviewed your request under those standards and determined that your petition does not meet them because disclosing the information you seek is not likely to contribute significantly to public understanding of the operations and activities of the United States Government. I therefore deny your request for a fee waiver.

You may appeal this decision, in my care, within 45 days from the date of this letter. Should you choose to appeal the denial of your request for a fee waiver, you are encouraged to provide an explanation supporting your appeal. Agency regulations also specify that if the Agency has started to process a request, the Agency may only accept an appeal of a fee waiver denial if the requester agrees to be responsible for the costs in the event of an adverse administrative or judicial decision.

As you are aware, the FOIA authorizes federal agencies to collect fees for records services. Based on the information provided, we determined that your request falls into the "commercial" fee category. You will be responsible for the full direct costs for searching, reviewing, and duplicating responsive records.

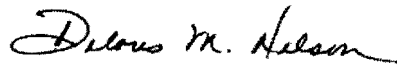
Additional review fees, however, will depend upon the number of documents we find and the copying fees will depend upon the number of releasable documents. For your reference, we are enclosing a copy of our fee schedule.

Search fees are assessable even if we find no records or, if we find any, we determine that we cannot release them. Consequently, we will charge you even if our search results are negative or if we cannot release any information under the FOIA. We note your willingness to pay all associated fees.

The CIA Information Act, 50 U.S.C. § 431, as amended, exempts CIA operational files from the search, review, publication, and disclosure requirements of the FOIA. To the extent your request seeks information that is subject to the FOIA, we accept your request and will process it in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act. Unless you object, we will limit our search to CIA-originated records existing through the date of this acceptance letter.

The large number of FOIA requests CIA receives has created unavoidable delays making it unlikely that we can respond within the 20 working days the FOIA requires. You have the right to consider our honest appraisal as a denial of your request and you may appeal to the Agency Release Panel. A more practical approach would permit us to continue processing your request and respond to you as soon as we can. You will retain your appeal rights and, once you receive the results of our search, can appeal at that time if you wish. We will proceed on that basis unless you object.

Sincerely,

A handwritten signature in cursive script that reads "Delores M. Nelson".

Delores M. Nelson  
Information and Privacy Coordinator

Enclosure

**CENTRAL INTELLIGENCE AGENCY****32 CFR Parts 1900, 1901, 1907, 1908, and 1909****Freedom of Information Act; Privacy Act; and Executive Order 12958; Implementation Agency: Central Intelligence Agency.****ACTION: Interim rule.****§1900.02 Definitions**

For purposes of this part, the following terms have the meanings indicated:

(a) *Agency or CIA* means the United States Central Intelligence Agency acting through the CIA Information and Privacy Coordinator;

(b) *Days* means calendar days when the Agency is operating and specifically excludes Saturdays, Sundays, and legal public holidays. Three (3) days may be added to any time limit imposed on a requester by this part if responding by U.S. domestic mail; ten (10) days may be added if responding by international mail;

(c) *Control* means ownership or the authority of the CIA pursuant to federal statute or privilege to regulate official or public access to records;

(d) *Coordinator* means the CIA Information and Privacy Coordinator who serves as the Agency manager of the information review and release program instituted under the Freedom of Information Act;

(e) *Direct costs* means those expenditures which an agency actually incurs in the processing of a FOIA request; it does not include overhead factors such as space, it does include:

(1) *Pages* means paper copies of standard office size or the dollar-value equivalent in other media;

(2) *Reproduction* means generation of a copy of a requested record in a form appropriate for release;

(3) *Review* means all time expended in examining a record to determine whether any portion must be withheld pursuant to law and in effecting any required deletions, but excludes personnel hours expended in resolving general legal or policy issues; it also means personnel hours of professional time;

(4) *Search* means all time expended in looking for and retrieving material that may be responsive to a request utilizing available paper and electronic indices and finding aids; it also means personnel hours of professional time or the dollar-value equivalent in computer searches;

(f) *Expression of interest* means a written communication submitted by a member of the public requesting information on or

concerning the FOIA program and/or the availability of documents from the CIA;

(g) *Federal agency* means any executive department, military department, or other establishment or entity included in the definition of agency in 5 U.S.C 552(f);

(h) *Fees* means those direct costs which may be assessed a requester considering the categories established by the FOIA; requesters should submit information to assist the Agency in determining the proper fee category and the Agency may draw reasonable inferences from the identity and activities of the requester in making such determinations; the fee categories include:

(1) *Commercial* means a request in which the disclosure sought is primarily in the commercial interest of the requester and which furthers such commercial, trade, income, or profit interests;

(2) *Non-commercial educational or scientific institution* means a request from an accredited United States educational institution at any academic level or institution engaged in research concerning the social, biological, or physical sciences or an instructor or researcher or member of such institutions; it also means that the information will be used in a specific scholarly or analytical work, will contribute to the advancement of public knowledge, and will be disseminated to the general public;

(3) *Representative of the news media* means a request from an individual actively gathering news for an entity that is organized and operated to publish and broadcast news to the American public and pursuant to their news dissemination function and not their commercial interests; the term *news* means information which concerns current events, would be of current interest to the general public, would enhance the public understanding of the operations or activities of the U.S. Government, and is in fact disseminated to a significant element of the public at minimal cost; freelance journalists are included in this definition if they can demonstrate a solid basis for expecting publication through such an organization, even though not actually employed by it; a publication contract or prior publication record is relevant to such status;

(4) *All other* means a request from an individual not within paragraph (h)(1), (2), or (3) of this section;

(i) *Freedom of Information Act* or "FOIA" means the statutes as codified at 5 U.S.C 552;

(j) *Interested party* means any official in the executive, military, congressional, or judicial branches of government, United States or foreign, or U.S. Government contractor who, in the sole discretion of the CIA, has a subject matter or physical interest in the documents or information at issue;

(k) *Originator* means the U.S. Government official who originated the document at issue

or successor in office, or such official who has been delegated release or declassification authority pursuant to law;

(l) *Potential requester* means a person, organization, or other entity who submits an expression of interest;

(m) *Reasonably described records* means a description of a document (record) by unique identification number or descriptive terms which permit an Agency employee to locate documents with reasonable effort given existing indices and finding aids;

(n) *Records or agency records* means all documents, irrespective of physical or electronic form, made or received by the CIA in pursuance of federal law or in connection with the transaction of public business and appropriate for preservation by the CIA as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the CIA or because of the informational value of the data contained therein; it does not include:

(1) *Books, newspapers, magazines, journals, magnetic or printed transcripts of electronic broadcasts, or similar public sector materials* acquired generally and/or maintained for library or reference purposes; to the extent that such materials are incorporated into any form of analysis or otherwise distributed or published by the Agency, they are fully subject to the disclosure provisions of the FOIA;

(2) *Index, filing, or museum documents* made or acquired and preserved solely for reference, indexing, filing, or exhibition purposes; and

(3) *Routing and transmittal sheets and notes and filing or destruction notes* which do not also include information, comment, or statements of substance;

(o) *Responsive records* means those documents (i.e., records) which the Agency has determined to be within the scope of a FOIA request.

**§1900.13 Fees for Record Services**

(a) *In general.* Search, review, and reproduction fees will be charged in accordance with the provisions below relating to schedule, limitations, and category of requester. Applicable fees will be due even if our search locates no responsive records or if some or all of the responsive records must be denied under one or more of the exemptions of the Freedom of Information Act.

(b) *Fee waiver requests.* Records will be furnished without charge or at a reduced rate whenever the Agency determines:

(1) That, as a matter of administrative discretion, the interest of the United States Government would be served, or

(2) That it is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the United States Government and

States Government operations and activities, and

(v) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so,

(vi) Whether the disclosure is primarily in the commercial interest of the requester.

(c) *Fee waiver appeals.* Denials of requests for fee waivers or reductions may be appealed to the Chair of the Agency Release Panel via the Coordinator. A requester is encouraged to provide any explanation or argument as to how his or her request satisfies the statutory requirement set forth above.

(d) *Time for fee waiver requests and appeals.* It is suggested that such requests and appeals be made and resolved prior to the initiation of processing and the incurring of costs. However, fee waiver requests will be accepted at any time prior to the release of documents or the completion of a case, and fee waiver appeals within forty-five (45) days of our initial decision subject to the following condition: If processing has been initiated, then the requester must agree to be responsible for costs in the event of an adverse administrative or judicial decision.

(e) *Agreement to pay fees.* In order to protect requesters from large and/or unanticipated charges, the Agency will request specific commitment when it estimates that fees will exceed \$100.00. The Agency will hold in abeyance for forty-five (45) days requests requiring such agreement and will thereafter deem the request closed. This action, of course, would not prevent an individual from refiling his or her FOIA request with a fee commitment at a subsequent date.

(f) *Deposits.* The Agency may require an advance deposit of up to 100 percent of the estimated fees when fees may exceed \$250.00 and the requester has no history of payment, or when, for fees of any amount, there is evidence

Search (on-line)	Flat rate	10.00
Search (off-line)	Flat rate	30.00
Other activity	Per minute	10.00
Tapes (mainframe cassette)	Each	9.00
Tapes (mainframe cartridge)	Each	9.00
Tapes (mainframe reel)	Each	20.00
Tapes (PC 9mm)	Each	25.00
Diskette (3.5")	Each	4.00
CD (bulk recorded)	Each	10.00
CD (recordable)	Each	20.00
Telecommunications	Per minute	.50
Paper (mainframe printer)	Per page	.10
Paper (PC b/w laser printer)	Per Page	.10
Paper PC color printer	Per page	1.00

**Paper Production**

Photocopy (standard or legal)	Per page	.10
Microfiche	Per frame	.20
Pre-printed (if available)	Per 100 pages	5.00
Published (if available)	Per item	NTIS

(2) *Application of schedule.* Personnel search time includes time expended in either manual paper records searches, indices searches, review of computer search results for relevance, personal computer system searches, and various reproduction services. In any event where the actual cost to the Agency of a particular item is less than the above schedule (e.g., a large production or run of a document resulted in a cost of less than \$5.00 per hundred pages), then the actual lesser cost will be charged. Items published and available at the National Technical Information Service (NTIS) are also available from CIA pursuant

receiving, recording, and processing the fee for deposit to the Treasury Department and, as of the date of these regulations, is deemed to be \$10.00.

(2) *Requests for personal information.* No fees will be charged for requesters seeking records about themselves under the FOIA; such requests are processed in accordance with both the FOIA and the Privacy Act in order to ensure the maximum disclosure without charge.

(i) *Fee categories.* There are four categories of FOIA requesters for fee purposes: "*Commercial use*" requesters, "*educational and non-commercial scientific institution*" requesters, "*representatives of the news media*" requesters, and "*all other*" requesters. The categories are defined in §1900.02, and applicable fees, which are the same in two of the categories, will be assessed as follows:

(1) "*Commercial use*" requesters: Charges which recover the full direct costs of searching for, reviewing, and duplicating responsive records (if any);

(2) "*Educational and non-commercial scientific institution*" requesters as well as "*representatives of the news media*" requesters: Only charges for reproduction beyond the first 100 pages;

(3) "*All other*" requesters: Charges which recover the full direct cost of searching for and reproducing responsive records (if any) beyond the first 100 pages of reproduction and the first two (2) hours of search time, which will be furnished without charge.

(j) *Associated requests.* A requester or associated requesters may not file a series of multiple requests, which are merely discrete subdivisions of the information actually sought for the purpose of avoiding or reducing applicable fees. In such instances, the Agency may aggregate the requests and charge the applicable fees.

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
APRIL 22, 2009

Vice Adm. Robert B. Murrett, Director  
National Geospatial-Intelligence Agency  
c/o Office of the General Counsel,  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Reference: FOIA Request 20070101F response letter from NGA dtd August 8, 2007 (attached)

Subject: Freedom of Information Act Requests

Honorable Sir;

BACKGROUND:

FOIA Request 20070101F requested documents associated with the hiring of Brian Kelly, Barry Barlow, Lynn Dawson, Douglas Goolsby, Joan Harchelroad, Alan Higgins, Jennifer Hurt, Evangelo Karagiorgis, Laurie J. Litton, Douglas McGovern, Adrienne H. Provines and Maureen Prior. The cover letter to your response if the Reference, and is attached.

The Reference indicated that the documents for all but Brian Kelly have been destroyed. And the data for Mr. Kelly was provided. Under separate cover, I have withdrawn the request for data regarding Maureen Prior. For this FOIA, please disregard any data associated with Brian Kelly and Maureen Prior i.e. do not consider them within the scope of this FOIA.

I am interested in how these records were destroyed given that 44 U.S.C. § 3105(1) states: *"that records in the custody of the agency are not to be alienated or destroyed except in accordance with sections 3301-3314 of this title, and"*

UNDER THE FREEDOM OF INFORMATION ACT, I REQUEST THE FOLLOWING:

1. All lists and schedules as required by 44 U.S.C. § 3303 that cover the documents at issue in FOIA Request 20070101F.
2. Any authorizations provided by the Archivist under 44 U.S.C. § 3303a that *"(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title."* regarding the documents at issue in FOIA Request 20070101F.
3. Any empowerments provided by the Archivist under 44 U.S.C. § 3308 regarding the documents at issue in FOIA Request 20070101F.

4. Any exceptions that you assert to “44 U.S.C. § 3314 - Procedures for disposal of records exclusive

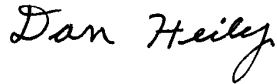
*The procedures prescribed by this chapter are exclusive, and records of the United States Government may not be alienated or destroyed except under this chapter.”* for the documents at issue in FOIA Request 200701F.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, but am willing to pay them if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

A handwritten signature in cursive script that reads "Dan Heily".

Dan Heily



# NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

4600 Sangamore Road  
Bethesda, Maryland 20816-5003

OGCA-20070101

8 AUG 2007

Mr. Dan Heily  
9412 Brian Jac Court  
Great Falls, VA 22066

RE: Freedom of Information Act (FOIA) Request #20070101F

Dear Mr. Heily:

1. This letter responds to your FOIA request to the National Geospatial-Intelligence Agency (NGA) under the Freedom of Information Act (FOIA), dated February 15, 2006.
2. You requested the position description, resume and the vacancy announcement associated with the hiring of Barry Barlow, Lynn Dawson, Douglas Goolsby, Joan Harchelroad, Alan Higgins, Jennifer Hurt, Evangelo Karagiorgis, Brian Kelley, Laurie J. Litton, Douglas McGovern, Adrienne H. Provines and Maureen Pryor.
3. Information is only available for Brian Kelly because the personnel action was processed in 2005 (enclosed). The documents associated with the hiring of Barry Barlow, Lynn Dawson, Douglas Goolsby, Joan Harchelroad, Alan Higgins, Jennifer Hurt, Evangelo Karagiorgis, Laurie J. Litton, Douglas McGovern, Adrienne H. Provines and Maureen Pryor are no longer available because the documents are over 3 years old and have been destroyed.
4. Fees associated with the processing of your FOIA request have been waived.

Sincerely,

TONNETTE K. FLEMING  
Program Officer  
Administrative Law &  
Litigation

Enclosure a/s

8-11-07



DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
NOVEMBER 15, 2009

Vice Adm. Robert B. Murrett  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816-5003

Sent via US Mail and email: FOIANGA@nga.mil

Enclosure (A) FOIA/PA Request dated August 28, 2009  
(B) Your response dated October 28, 2009

Subject: Freedom of Information Act Appeal

Honorable Sir;

Enclosure A requested some "pre employment" documents. Enclosure B indicated that the data was being withheld per 10 U.S.C. § 424(a) which is quoted *inter alia* below

*"(a) Exemption From Disclosure. - Except as required by the President or as provided in subsection (c), no provision of law shall be construed to require the disclosure of -*

*(1) the organization or any function of an organization of the Department of Defense named in subsection (b); or*

*(2) the number of persons employed by or assigned or detailed to any such organization or the name, official title, occupational series, grade, or salary of any such person."*

You have already ceded this fact by your delivering the pre employment documents for Mr. Brian T. Kelley.

If we do not reach resolution before December 1, 2009 then I will include Enclosure A in the amendment to my current lawsuit.

Very truly yours,

  
Dan Heily

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
AUGUST 28, 2009

Vice Adm. Robert B. Murrett  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests and  
Privacy Act Requests

Honorable Sir;

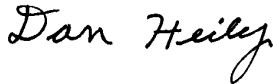
Under the Freedom of Information Act, I request the documents described in the attachment.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, however I am willing to pay dues if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation of how the government achieves the legal requirement of treating everyone equally.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

A handwritten signature in cursive script that reads "Dan Heily".

Dan Heily

1. The following data associated with the external hiring action that resulted in the hiring of Jonathan R. Clark:
  - a) The Position Description for the position filled by Jonathan R. Clark along with any attachments.
  - b) The resume and all other documents submitted by Jonathan R. Clark.
  - c) The Vacancy Announcements for the position that was filled by Jonathan R. Clark.
  - d) If Jonathan R. Clark was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
2. The following data associated with the external hiring action that resulted in the hiring of Ms. Jackie D. Crossett:
  - a) The Position Description for the position filled by Ms. Jackie D. Crossett along with any attachments.
  - b) The resume and all other documents submitted by Ms. Jackie D. Crossett.
  - c) The Vacancy Announcements for the position that was filled by Ms. Jackie D. Crossett.
  - d) If Ms. Jackie D. Crossett was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
3. The following data associated with the external hiring action that resulted in the hiring of Mr. Scott Farnsworth:
  - a) The Position Description for the position filled by Mr. Scott Farnsworth along with any attachments.
  - b) The resume and all other documents submitted by Mr. Scott Farnsworth.
  - c) The Vacancy Announcements for the position that was filled by Mr. Scott Farnsworth.
  - d) If Mr. Scott Farnsworth was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
4. The following data associated with the external hiring action that resulted in the hiring of James L. Kendall:
  - a) The Position Description for the position filled by James L. Kendall along with any attachments.
  - b) The resume and all other documents submitted by James L. Kendall.
  - c) The Vacancy Announcements for the position that was filled by James L. Kendall.
  - d) If James L. Kendall was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.
5. The following data associated with the external hiring action that resulted in the hiring of Samuel Lovelady:
  - a) The Position Description for the position filled by Samuel Lovelady along with any attachments.
  - b) The resume and all other documents submitted by Samuel Lovelady.
  - c) The Vacancy Announcements for the position that was filled by Samuel Lovelady.
  - d) If Samuel Lovelady was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.

6. The following data associated with the external hiring action that resulted in the hiring of Scott E. McDonald:

- a) The Position Description for the position filled by Scott E. McDonald along with any attachments.
- b) The resume and all other documents submitted by Scott E. McDonald.
- c) The Vacancy Announcements for the position that was filled by Scott E. McDonald.
- d) If Scott E. McDonald was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.

7. The following data associated with the external hiring action that resulted in the hiring of Hoang Nguyen:

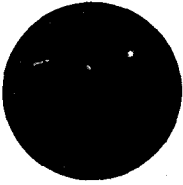
- a) The Position Description for the position filled by Hoang Nguyen along with any attachments.
- b) The resume and all other documents submitted by Hoang Nguyen.
- c) The Vacancy Announcements for the position that was filled by Hoang Nguyen.
- d) If Hoang Nguyen was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.

8. The following data associated with the external hiring action that resulted in the hiring of Joseph D. Stooks:

- a) The Position Description for the position filled by Joseph D. Stooks along with any attachments.
- b) The resume and all other documents submitted by Joseph D. Stooks.
- c) The Vacancy Announcements for the position that was filled by Joseph D. Stooks.
- d) If Joseph D. Stooks was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.

9. The following data associated with the external hiring action that resulted in the hiring of Stephen O. Walrabenstein:

- a) The Position Description for the position filled by Stephen O. Walrabenstein along with any attachments.
- b) The resume and all other documents submitted by Stephen O. Walrabenstein.
- c) The Vacancy Announcements for the position that was filled by Stephen O. Walrabenstein.
- d) If Stephen O. Walrabenstein was a "Direct-to-public hire without competition" then please provide the signed justification with attachments.



**NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY**

4600 Sangamore Road  
Bethesda, Maryland 20816-5003

OGCA- 20090134F

Dan Heily  
9412 Brian Jac Court  
Great Falls, Virginia 22066

**OCT 28 2009**

**RE: FREEDOM OF INFORMATION ACT (FOIA) Request #20090134F**

Dear Mr. Heily,

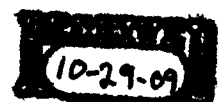
This letter is in response to your Freedom of Information Act (FOIA) request submitted to the National Geospatial-Intelligence Agency (NGA), dated August 29, 2009. You requested information (position description, resume, and vacancy announcement) associated with the external hiring action of nine named individuals. Your request is denied for the reasons set forth below.

The names of the NGA employees are exempt from release under FOIA Exemption 3 and Section 424 of Title 10, United States Code. Pursuant to 10 U.S. C. §424 we cannot confirm whether the individuals about whom you requested information did work or currently work for the National Geospatial-Intelligence Agency. This exemption protects from disclosure matters specifically exempted from disclosure by statute. Section 424 of Title 10 provides that no provision of law shall be construed to require disclosure of the name or title of any person employed by NGA.

In addition to Exemption 3, to the extent that any such records may exist they would be exempt from disclosure under Exemption 6. Exemption 6 protects the personal privacy interests of individuals and their personally identifiable information when such disclosure would constitute an unwarranted invasion of privacy.

We have conducted a search and found no records responsive to your request pertaining to job announcements, application materials and other related data. The requested announcements are approximately five or more years old and are no longer available.

This response constitutes a denial of your request and you may appeal this decision. The decision to withhold this information may be appealed in writing to the National Geospatial-Intelligence Agency. Any appeal should be post-marked no later than 60 calendar days of the date of this letter. Please enclose a copy of this letter with the appeal along with your reasons for reconsideration. Your appeal may be mailed to the National Geospatial-Intelligence Agency, thru: NGA/OGCA, 4600 Sangamore Road, Mail Stop D-10, Bethesda, Maryland 20816-5003.



Sincerely,

A handwritten signature in black ink, appearing to read "Paul R. Polk". The signature is fluid and cursive, with the first name "Paul" and last name "Polk" clearly distinguishable.

PAUL R. POLK  
NGA Public Release Officer  
Alternate Email: [redacted]

DAN HEILY  
9412 BRIAN JAC COURT  
GREAT FALLS, VIRGINIA 22066  
NOVEMBER 1, 2009

Vice Adm. Robert B. Murrett  
c/o Office of the General Counsel,  
National Geospatial-Intelligence Agency  
Attn: GCP, Mail Stop D-10  
4600 Sangamore Road, Bethesda, MD, 20816

Sent via email: FOIANGA@nga.mil

Subject: Freedom of Information Act Requests

Honorable Sir;

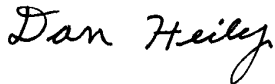
Under the Freedom of Information Act, I request the documents described in the attachment.

In order to help to determine to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request, however I am willing to pay fees if required. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. I intend to publish an explanation on the role of merit in government hiring.

The law gives you twenty work days to comply. I look forward to your response.

Very truly yours,

A handwritten signature in cursive script that reads "Dan Heily".

Dan Heily

**BACKGROUND for Request 1:**

Page 127 of the The Independent Commission on the National Imagery And Mapping Agency (NIMA) Final Report dated December 2000 included this recommendation:

*DCI and SECDEF, with the full support of Congress, should form an "Extraordinary Program Office" (EPO) within 120 days in order to ensure the prompt and efficient acquisition of required TPED functionality and equipment.*

**Request 1:** As a result of the recommendation to establish an EPO, please provide:

- a) All position papers, recommendations, responses, policy recommendations and other responses that either supported or opposed the establishment of the EPO.
- b) All directives that implemented establishment of the EPO.

**BACKGROUND for Request 2:**

Page 127 of the The Independent Commission on the National Imagery And Mapping Agency (NIMA) Final Report dated December 2000 included this finding:

*NIMA does not have the organic capability to successfully acquire TPED, nor can it "get there from here," in time, using normal government practice. There is no help on the horizon because neither the NRO nor NSA has talent to spare.*

**Request 2:** As a result of the finding above, please provide:

- a) All position papers, recommendations, responses, policy recommendations and other responses that addressed the lack of "*organic capability to successfully acquire TPED*".
- b) All directives that implemented policy changes to acquire the organic capability to successfully acquire TPED.





**NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY**

4600 Sangamore Road  
Bethesda, Maryland 20816-5003

OGCA-20100028F

November 18, 2009

Mr. Dan Heily  
9412 Brian Jac Court  
Great Falls, Virginia 22066

RE: FREEDOM OF INFORMATION ACT (FOIA) Request #20100028F

Dear Mr. Heily,

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request submitted to the National Geospatial-Intelligence Agency (NGA), received in the FOIA Requester Service Center on November 03, 2009. The number listed above has been assigned to identify your FOIA request.

You requested we "Provide all position papers, recommendations, policy recommendations and other responses that either supported or opposed the establishment of the "Extraordinary Program Office" (EPO)."

In addition you requested "All directives that implemented establishment of the EPO."

Secondly, you requested "All position papers, recommendations, responses, policy recommendations and other responses that addressed the lack of "organic capability to successfully acquire TPED."

In addition you requested "All directives that implemented policy changes to acquire the organic capability to successfully acquire TPED. "

Your request is currently being processed and the NGA FOIA Office will furnish portions that may be released to the public. However, NGA has a significant number of pending FOIA requests that prevents a response determination from being made within 20 workdays; thus, we have instituted multi-track processing of FOIA requests. Based on the information you have provided, we have determined that your request should be placed in the complex track. Processing this request will require us to coordinate our response with other office(s).

Should you need to contact the FOIA office, please refer to FOIA #20100028F to assist us in responding. My telephone number is (301) 227-7292, and the fax number is (301) 227-2035.

Sincerely,

JENNIFER McKENNA  
Assistant General Counsel

